Parks and Recreation Commission
Regular Meeting Agenda
Tuesday, May 17, 2016
5:30 p.m.
Malibu City Hall – Council Chambers
23825 Stuart Ranch Road, Malibu

Five-thirty p.m. ***Regular Meeting***

Call to Order –Chairman

Roll Call – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – May 12, 2016

1. **Written and Oral Communications from the Public**

   A. This is the time for members of the public to comment on any items not appearing on this agenda. The Commission may not discuss or act on any matter not specifically identified on this agenda, pursuant to the Ralph M. Brown Act.

2. **Consent Calendar**

   A. Approval of Minutes

   Recommended action: Approve minutes for the Regular Meeting of the Parks & Recreation Commission meeting on April 19, 2016.

   Staff contact: Theresa Odello, Recreation Coordinator, 310-456-2489 ext. 357

   B. Parks & Recreation Department-Monthly Report for April 2016

   Recommended action: Receive and file.

   Staff contact: Bob Stallings, Parks and Recreation Director, 310-456-2489 ext. 225

3. **Old Business**

   None.

4. **New Business**

   A. Integrated Pest Management Policy Review

      Recommended action: Review the Integrated Pest Management Policy (IPM) and recommend to City Council changes as deemed appropriate.

      Staff contact: Bob Stallings, Parks and Recreation Director 310-456-2489 ext. 225

   B. Commission Assignments for Fiscal Year 2016-2017

      Recommended action: Review Commission assignments for Fiscal Year 2016-2017 and recommend the City Council approve proposed assignments.

      Staff contact: Bob Stallings, Parks and Recreation Director, 310-456-2489 ext. 225

5. **Staff Updates**

6. **Commissioner Comments**

7. **Future Agenda Items**

   A. Scheduled Use of Trancas Canyon Park Multi-Purpose Field
   B. Shade Covers for Baseball Facilities at Malibu Bluffs Park

8. **Adjournment**

Guide to the Parks and Recreation Commission Proceedings

The Written and Oral Communications from the Parks and Recreation Commissioners portion of the agenda is for members of the public to present items that are not listed on the agenda, but are under the subject matter jurisdiction of the Parks and Recreation Commission. Although no action may be taken on these non-agenda items, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to (3) three minutes and the total time allotted for Public Comment items, Parks and Recreation Commission Sub-committees included, is limited to (30) thirty minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the item being announced by the Chair (forms are available at the door). Speakers are taken in the order slips are submitted.

Items in Consent Calendar has not been discussed previously by the Parks and Recreation Commission. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Commission Members may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. The Commission following the action on the consent calendar will take up items Excluded from Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the Parks and Recreation Commission for decision for recommendation to the City Council.

Items in New Business are items, which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the Parks and Recreation Commission for decision.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the Parks and Recreation, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 8:00 a.m. to 5:00 p.m., Monday through Thursday and 8:00 a.m. to 4:30 p.m., Friday. Copies of staff reports may be purchased for $0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental and Community Development Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirement. Dated this 12th day of May, 2016.

Brittany Saleaumua

Brittany Saleaumua, Administrative Assistant

Parks & Recreation Commission Meeting
05-17-16
Item 2.A.

Parks & Recreation Commission Agenda Report

To: Members of the Parks & Recreation Commission

Prepared by: Theresa Odello, Recreation Coordinator

Approved by: Bob Stallings, Parks and Recreation Director

Date prepared: May 6, 2016 Meeting date: May 17, 2016

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve minutes for the Regular Meeting of the Parks & Recreation Commission meeting on April 19, 2016.

DISCUSSION: Staff has prepared draft minutes for the Regular Meeting of the Parks & Recreation Commission meeting on April 19, 2016.

ATTACHMENTS:

1. April 19, 2016 Regular Meeting minutes

MINUTES
PARKS AND RECREATION COMMISSION
REGULAR MEETING MINUTES
APRIL 19, 2016
MALIBU CITY HALL, MULTI-PURPOSE ROOM
5:30 P.M.

CALL TO ORDER

Chair Randall called the meeting to order at 5:32 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Carl Randall, Vice Chair Justine Petretti, Commissioner Laurie Principe, Commissioner Roui Israel, and Commissioner Steve Parks (arrived at 6:08 p.m.).

STAFF PRESENT: Bob Stallings, Parks and Recreation Director; Amy Crittenden, Recreation Manager; Katie Gallo, Sr. Recreation Coordinator; and Theresa Odello, Recording Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Principe led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Chair Randall moved and Vice Chair Petretti seconded a motion to approve the agenda as amended, to add approval of the March 15, 2016 minutes along with the February 16, 2016 minutes. The motion carried 4-0 (Commissioner Parks was absent).

REPORT ON POSTING OF AGENDA

Recording Secretary Odello reported that the agenda for the meeting was properly posted on April 15, 2016.

ITEM 1 PRESENTATION

Recreation Program Update – Katie Gallo, Sr. Recreation Coordinator

Sr. Recreation Coordinator Gallo provided a program assessment report on fee based recreation programs in the areas of adult classes, youth classes, aquatics, day camps, and sports. The report data was collected from summer 2012 through summer 2015. Gallo reviewed program lifecycles, redesigned programs, new programs, and current trends in the Malibu recreation programs.

Commissioner Israel asked why some of the Winter Camps and Spring Caps were cancelled. Sr. Recreation Coordinator Gallo stated there is a minimum number of participation for each camp and the camp's success depends on the times of the camps, the weather that week, if there is a holiday, and other reasons. The camps get cancelled ahead

of time if 75% of the minimum numbers are not achieved. There are many walk-ups to our camps, but staff relies on those walk-ups to complete the extra 25% to meet the camp minimum. If the 75% is not met then staff does not require the instructor to show up.

Chair Randall stated that spring break camp numbers are down because private schools holidays are different than public school holidays, and asked how many of the spring break classes were successful. Sr. Recreation Coordinator agreed, saying that the spring break dates from Muse and OLM were different than from the Santa Monica/Malibu Unified School District dates. 50% of the spring break camps that were offered occurred.

Commissioner Principe stated the website for camp and class registration is user friendly now and she likes the new options and seeing how easy it is to register. She was also surprised that some of the surf camp sessions are already full.

ITEM 2 WRITTEN AND ORAL COMMUNICATIONS FROM THE PUBLIC

Kian Schulman from Poison Free Malibu thanked the commission for all the work they are doing. She understands that the Independent Pest Management (IPM) policy will be on the agenda for next month and plans to return. Schulman wanted to emphasize that rodent trapping is an outdated practice that removes a few of the animals but does not resolve the problem. The first step would be to remove their habitat by using good sanitation processes. Schulman appreciates the parks initiative to replace chemicals with organic options, but staff should be working on adjusting the program.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Israel moved and Commissioner Principe seconded a motion to approve the Consent Calendar. The motion carried 4-0 (Commissioner Parks was absent).

ITEM 4 OLD BUSINESS

A. Malibu Bluffs Regional Park Master Plan

Recommended action: Receive presentation of the updated Malibu Regional Park Master Plan Design to confirm the design reflects the results of the community outreach program and consistent with design directives from the City Council.

Director Stallings stated that the goal tonight is to review the design plan presented by Jeremy Franzini from Michael Baker International, and see if any adjustments need to be made before moving on with the plan.

Franzini reviewed the project progression and presented a design for final review by the commission. The design might be changed based on feedback from the California Coastal Commission and the LA County Fire Department.

Commissioner Parks arrived at 6:08 p.m.

Franzini stated that for the next steps, the plan will be reviewed by the California Coastal Commission and the LA County Fire Department. These reviews will take time and the plan might have to be adjusted. The Final Master Plan will come before the commission in September, followed by having the plan reviewed in October by the Malibu City Council for approval.

Commissioner Principe asked a question about the central park access point and if it will be safe even though there may be no lights at that location. Franzini stated that Cal Trans and the Safety Commission will have to review and approve the plans. At that entrance, the current plan is to use the shoulder for right turns in and right turns out only, and a gate will be there to control access. This will be done after the Final Master Plan is made.

Commissioner Principe asked if the skate park is large enough for the need and the population. Franzini replied that the linear skate park is 80 feet at its widest point, which is more than enough to get bowls and various sized ramps in that area. Director Stallings added that in the future staff will do the design with our skate community and work with a designer to get it done right to tailor the ramps for the needs and desires of the community.

Commissioner Principe asked if tot lot could be included in the western mesa near the pool. Franzini replied that the pool will be fenced, so there might be a small spot to the west of the area.

Commissioner Israel asked if we are definitely prohibited in having a community center on the Crummer property, and if so where would we put it. Franzini stated that one option is to not have a community center; another option is to relocate it to the corner of one of the fields as close to where it is currently in the plan as possible. He stated we are prohibited from putting a community center in the park, so it is now a visitor center. Director Stallings added that staff would have to work on getting that condition removed from the property permit, and address ESHA at that time too.

Commissioner Parks asked if there were areas included for storage, stating that currently there are three containers that are being used at Bluffs Park. Franzini stated that there might be room in the snack bar and restrooms.

Chair Randall asked if there was a chance to have a building at the skate park for staff with our current ESHA restrictions. Franzini stated that it might be easier to get a covered shaded area approved versus an office or something with a wall. Director Stallings stated that we would work with the skate park designer to get something that would work for the staff and for seating around the park.

Commissioner Parks asked if there are enough bathrooms at the park. Franzini stated that each one of the three different park areas has a restroom. For dog park, the nearest restroom would be located at the pool.

The Commission reached a consensus that the plan would be approved with the addition of a tot lot by the western side of the park.

Public Comment, Margaret Cole, stated that she would like to see an arboretum in Malibu, and the Bluffs would be a great spot for it. There are many plants that grow in Malibu but don't grow anywhere else due to the temperate zones and the water requirement. The Bluffs would be a wonderful location for an arboretum.

ITEM 5 NEW BUSINESS

A. Funny Zoo Public Art Project

Recommended Action: 1) Review the Funny Zoo Public Art Exhibit Project proposal; 2) recommend City parks for placement of the exhibit; and 3) send a recommendation to City Council in support of placing the exhibit on the selected City park sites.

Recreation Manager Amy Crittenden presented the project that was proposed to the Cultural Arts Commission. The Funny Zoo project uses local artists to educate people about animals, and the Arts Commission supports the project in both Legacy Park and Malibu Bluffs Park. An artist will choose an animal to paint, and each animal is sponsored by a business or private donor. At the end of a six month instillation, the animal is auctioned off and any proceeds will go to the California Wildlife Center and some will go to the Arts Fund. Each animal display will have a sign which will include the artist name, and will have a QR code that participants can scan with their smartphone to get information on the animal, the charity, the Arts Commission, and the artwork. Exact locations within the parks have not yet been determined.

Chair Randall asked if the Funny Zoo carries their own insurance for the art pieces. Recreation Manager Crittenden stated that they do carry insurance and the signs will also ask people not to climb on the structures. If the art is vandalized the insurance will cover the costs of repair. Each animal is also waterproof.

Commissioner Principe stated that if there is a large display in Legacy Park near Pacific Coast Highway, such as the example of the upside down giraffe, the art may distract drivers.

Funny Zoo Founder Bernie Scoffie stated that they are currently working with the Malibu Country Mart and have plans to have a panda outside of John's Garden.

It is one that is currently white, and during the Malibu art festival it will be painted live, then it will go out afterwards. Currently working with the country mart: going to have a panda outside of John's garden that would be neat.

MOTION Commissioner Principe moved and Chair Randall seconded a motion to recommend to City Council to approve the placement of the Funny Zoo Exhibit in Bluffs Park and Legacy Park as a temporary art instillation. The motion carried 5-0.

B. Trancas Canyon Dog Park Rules

Recommended action: Review the current Trancas Canyon Dog Park Rules and provide staff with changes or additions to be included in the updated rules.

Director Stallings reported that staff received a number of phone calls concerning this topic from residents saying that supervision at the park is not adequate, there are aggressive dogs whose owners have no control over, and that more rules are needed to keep people in line. Director Stallings met with the sheriff, who stated that the Animal Control should be the primary enforcement agency for this, but because they are stationed in Agoura they are not effective in doing periodic patrols. The Volunteers On Patrol (VOP) are not trained to enforce rules or laws or cite people, with the exception issuing parking tickets. Lieutenant Royal will notify deputies to respond as appropriate and to try to patrol the park more often. They will be more vigilant in their observations and reporting any problems in the area. VOP have been to Trancas Park and made contact 8 different times over the weekend.

Vice Chair Petretti stated that she believes having the VOP visits will help out tremendously. Her friends who visit the park frequently complain about participants with many dogs at once who are not under control or off leash. There is a group that meet at the park every night and Vice Chair Petretti stated she will ask the group to help enforce the rules of the park.

Commissioner Principe suggested more signs asking participants to keep their dogs on a leash. She expressed concern that the rules sign had too much wording and that park visitors will not take the time to read the entire sign. Director Stallings agreed that the more words that you put on a sign the less people will read it.

Chair Randall stated that if the VOP is able to monitor the park more that would be helpful.

MOTION Chair Randall moved and Commissioner Principe seconded a motion to retain the current park rules and add additional signage as needed. The motion carried 5-0.

ITEM 6 STAFF UPDATES

Recreation Manager Crittenden announced that there will be a Concert on the Bluffs presented by the Cultural Arts Commission. The event will be on Sunday, June 12 at 4:30 p.m. at Malibu Bluffs Park. Tickets are $25 for adults, $15 for seniors and students, and children five and under will be free. The concert will feature musicians from the Malibu Chamber Orchestra and the Los Angeles Philharmonic, with a special performance by members of the New York City Ballet. Audience members are invited to bring picnic baskets, blankets, and beach chairs, and food trucks will also be available. Vice Chair Petretti stated she received an email that recommended that the Malibu Ukulele Group perform at this event.

Director Stallings notified the commission that City Manager Jim Thorson is retiring and will be replaced by Reva Feldman.

ITEM 7 COMMISSIONER COMMENTS

- Commissioner Parks stated that things are going great for the Malibu Little League and he thanks the City staff for all of their assistance.

ITEM 8 FUTURE AGENDA ITEMS

A. Malibu Bluffs Park Master Plan
B. Integrated Pest Management Policy and Program Review
C. 2016-2017 Commission Work Assignments
D. Scheduled Use of Trancas Canyon Park Multi-Purpose Field
E. Shade Covers for Baseball Facilities and Malibu Bluffs Park

ITEM 9 ADJOURNMENT

MOTION At 7:22 p.m. Commissioner Parks moved and Commissioner Principe seconded a motion to adjourn. The motion carried 5-0.

Approved and adopted by the Parks & Recreation Commission of the City of Malibu on _____, 2016.

_____
CARL RANDALL, Chair

ATTEST:

_____
THERESA ODELLO, Recording Secretary

Parks & Recreation Commission Meeting 5-17-16 **Item 2.B.**

Parks & Recreation Commission Agenda Report

To: Parks & Recreation Commissioners

Prepared by: Brittany Saleaumua, Administrative Assistant

Approved by: Bob Stallings, Parks and Recreation Director

Date prepared: May 9, 2016 Meeting date: May 17, 2016

Subject: Parks & Recreation Department – Monthly Report for April 2016

RECOMMENDED ACTION: Receive and file.

DISCUSSION: This report serves to inform and update the Parks and Recreation Commission on activities, events, projects, and programs for the month of April 2016.

BLUFFS PARK MASTER PLAN

- Department staff from the Parks and Recreation and Planning met with staff from the California Coastal Commission (CCC). The purpose of the meeting was to review the current Bluffs Park Master Plan in order to begin the process of addressing issues concerning environmental sensitive habitat areas (ESHA) and setbacks. The Master Plan was well received by the CCC staff while expressing that many of the design features were in alignment with CCC goals and objectives. However, areas of primary concern were the access roads and parking for the skatepark located in ESHA, and the proposed use of the visitor center for community activities. CCC staff asked to reserve final comments on the project until they had an opportunity to discuss the plan internally. The meeting was very productive with numerous comments given to City staff for follow-up. The next meeting is tentatively scheduled for the first week in June.

INTEGRATED PEST MANAGEMENT TRIAL PROGRAM

- Over the past six weeks staff began to apply an organic non-selective herbicide known as Avenger to various park sites to control non-native invasive weeds. Avenger is promoted as being an effective organic solution to replace Roundup (Glyphosate), a widely used synthetic herbicide. The organic herbicide uses citrus oil concentrates from fruit to burn the foliage of weeds thereby eliminating them. During the trial period, staff observed that about 60 percent of the foliage on the weeds showed burn or browning. However, about 90 to 95 percent of the weeds did recover within 14 days. On second applications to the same

weeds, staff observed less foliage damage then the first application at only about 10-20% damage to the foliage and a much quicker recovery. After repeated applications and little success, Avenger was determined to be ineffective resulting in the weeds being removed manually by hand pulling or weed whipping them.

RECREATION

SPECIAL EVENTS

- The 18th annual Chumash Day Powwow and Intertribal Gathering took place on April 9-10 at Malibu Bluffs Park. Rain on Saturday did not damper the spirit of the event; approximately 1,500 people enjoyed the dancers, singers, drums and craft vendors while 3,800 people attended the event on Sunday. The event ran smoothly with over 125 dancers, 6 different drum groups and multiple singers all performing at the event. The City's Powwow continues to receive compliments from the Native American community as being one of the best Powwows in California and the nation.

- Stargazing at Bluffs Park took place on April 23 with the volunteer group, Focus on Astronomy. The Astronomy group provided high grade telescopes for the public with open viewing of Jupiter, nebulas and galaxies; they also brought a display case of meteorites. Astronomers also led a discussion on constellations, planets and the universe. Children received a star wheel which served as a fun guide to the current stars in the sky. Seventy-five guests attended the free event.

- Cars and Coffee took place on April 24 at Malibu Bluffs Park with 80 guests in attendance. Coffee was provided by Apollo's Expresso Coffee Truck. Cars and Coffee has moved its Sunday meeting dates from the 1st and 3rd of each month to 2nd and 4th in order to accommodate a second Sunday morning automobile program in west Malibu.

COMMUNITY CLASSES

- Spring classes began at Point Dume Marine Science School, City Hall and Malibu Bluffs Park. Enrollment for the Point Dume Marine Science School classes went well with 10 participants in Super Soccer Stars, 8 in Cartooning and 6 in Cross-Platform Games II: Gamermaker. The Department will be adding new classes during the summer season including Zen-Core-Cardio, The "Bu Formula" fitness class, Intro to Guitar, Mandolin, and Ukulele, Creative Nature Journaling and an art class called Imagine.

TEENS

- The second annual Malibu Teen Film Festival took place on April 29 at the Malibu Civic Theater. Staff worked with two Los Angeles Film Schools that donated prizes for the winners, $2400 scholarship to Relativity School of Film, Media and Performing Arts and a $600 scholarship to the Art Center College of Design, Saturday School. The films were judged by industry professionals, Michael Ferris, Ellen Houlihan, Ross Levine and Josh Malina; the judges selected three top films and one honorable mention. Twenty-seven short films were previewed and awards were distributed during the 2 hour event. The Youth

Commission is very proud of this event and diligently worked with a number of community members, City staff, parents and teachers who all have supported their efforts.

- The Youth Commission recruitment period for the 2016-2017 term concluded on April 22. The City received 33 applications which will be reviewed and appointed by City Council on May 23, 2016.

SENIOR CENTER

- The Center hosted an excursion to three eclectic Culver City Museums on April 22 and participants also enjoyed lunch.

- Free presentations and lectures this month included Finance Friday with "Why Buy and Annuity: Pros and Cons" by Charles Zama, "Your Body Speaks" by Art Zweig, and the Pepperdine Lecture Series: Seeking Security in an Insecure World presented by Professor Dan Caldwell.

- The Locals Lunch was held on April 14 at Paradise Cove and continues to become more popular each month.

- The Silver Fox walk on April 14 hiked the Winding Way Trail and had eight participants.

- On April 21, we celebrated the Malibu Senior Center's 13th Anniversary with a Sock Hop themed party from 3-5pm. Approximately 70 people attended the event with live music, dancing, root beer floats, hot dogs and other food. There were also amazing raffle prizes including gift certificates from Geoffrey's, Malibu Seafood, Paradise Cove Café, and Marmalade, and gift baskets from numerous local businesses.

- The largest volunteer project was the monthly newsletter which had nine volunteers assisting with labeling and folding the 900+ senior newsletters that were mailed out to senior center members.

YOUTH SPORTS

- Spring sports programs are all at the middle-point of their seasons. Middle School Girls Volleyball began on March 7. There are 24 girls registered to participate in a bi-weekly volleyball skills clinic; an increase of 4 participants. The program is coached by Malibu High Alumni Amara Gwyn. The program will go through May 11 and culminate with an end of season party. Middle School Boys Tennis began on March 11. There are 8 boys registered to work on their tennis skills in a weekly clinic; equivalent to the participants in 2015. The program is coached by Malibu High School Tennis Coach, Bruce Young. The program will go through May 20 and culminate with an end of season party.

- There are eight teams participating in weekly games for the recreational Coach Pitch Baseball League (Ages 4-7). The regular season will end on May 21 where all players will receive a picture package and participation trophy as part of their registration fee.

- The Youth Boys Lacrosse program has begun playing games versus area teams including Oak Park, Newbury Park, Oaks Christian and Santa Barbara. The program is coordinated in partnership with Catch! Lacrosse and instructed by current and former collegiate athletes including All-Americans. The program will continue through Mid-May.

- Staff is currently preparing for summer programming including the Coed Adult Softball League which kicks off on June 26 and the Summer Day Camp Program which features 45 enrichment, sport and surfing camps June 13-August 12.

AQUATICS

- Spring session of swim lessons started at the Malibu Community Pool on Saturday and Sunday, April 16 and 17. There are currently 13 participants registered which is a decrease from the 20 participants in last year's lessons. Last year the higher level classes of Stingray and Orca had high registration numbers and this year the highest registration numbers are in the lower levels of Starfish and Guppy. Staff attributes the decrease to participants aging out of the lesson program. Registration for summer swim lessons will begin on May 14.

PARK MAINTENANCE

BLUFFS PARK

- New rodent traps were installed inside utility boxes around the park (in high traffic areas) to secure the traps from vandalism and theft. Traps are cleared weekly or as needed by pest management professionals.

- Park maintenance staff held a workshop for part-time city employees to teach them how to inspect the maintenance trailer, tires, lights and hitch. The training also included instruction on hitching the trailer to a tow hitch, driving techniques and using chocks.

- Vandal resistant hardware used to mount park signs was installed to the fencing around the baseball fields and playground area near the Michael Landon Center. Fewer sharp edges make the new hardware safer which reduces the risk of injury through inadvertent contact by park patrons.

- In researching non-chemical methods for pest control, a representative from Gopher-X was invited to demonstrate a new machine designed to control or eliminate rodents using smoke. Cotton seed oil was heated to produce smoke which was pumped into rodent holes. Ground squirrels (targeted pest) typically venture outside their burrows during the day when the machine would be used, therefore staff did not believe the machine was effective enough to include in the IPM program.

- To eliminate the food source for rodents and reduce the accumulation of germs and bacteria, all playgrounds and play equipment were pressure washed to remove grime and food stains. This is a standard cultural control from the IPM program used by the city to eliminate sustainable habitats for rodents.

MICHAEL LANDON CENTER

- Paper towel dispensers were replaced with air dryers in the Landon Center restrooms in order to reduce the accumulation of trash and standing water left by park visitors that use the restroom facilities to clean themselves. Additionally, the City will save approximately $2,000 annually in paper towels.

TRANCAS PARK

- New brackets and fence sections were installed around the detention basin to replace brackets and fencing damaged by vandalism or from soccer and baseball players using the fence as a backstop.

LAS FLORES PARK

- Additional doggie scoop dispensers were installed to accommodate increased dog walking in the park which is attributable to the installation of the new pedestrian bridge.

- A new sign stating "Leash Your Dog" was installed near the parking lot on the Las Flores side.

EQUESTRIAN PARK

- Replaced a battery operated towel dispenser with a manual towel dispenser to eliminate the need for batteries. The automatic towel dispensers required a regular change of batteries that had to be stored on site, where the manually operated dispensers eliminates that need.

PCH MEDIAN

- Three reflective "K" markers were installed in the PCH median to discourage motorists from driving across the median landscape as they exit the gas station on the southeast corner of Webb Way. Damage to the median landscape has increased as more and more motorists try to access the westbound traffic on PCH by crossing over the median rather than following the prescribed flow of traffic.

Parks & Recreation Commission Meeting 05-17-16
Item 4.A.

Parks & Recreation Commission Agenda Report

To: Chairman Randall and Parks & Recreation Commissioners

Prepared by: Bob Stallings, Parks and Recreation Director

Date prepared: May 11, 2016 Meeting date: May 17, 2016

Subject: Integrated Pest Management Policy Review

Recommended Action: Review the Integrated Pest Management Policy (IPM) and recommend to City Council changes as deemed appropriate.

DISCUSSION: On July 8, 2013, the City Council adopted Resolution No. 13-28 opposing the sale, purchase and use of anticoagulant rodenticides in Malibu and committing the City of Malibu to not use anticoagulant rodenticides as part of its maintenance program for City-owned parks and facilities.

To further support the Council's commitment to the safe and environmentally responsible use of pesticides, staff developed an Integrated Pest Management Policy (Attachment 1). The purpose of the IPM Policy is to establish a program (Attachment 2) to manage pests that are harmful to the health, function or aesthetic value of park landscapes in an efficient, effective, and environmentally responsible manner, while paying careful attention to public safety. With the adoption of the IPM Policy by the City Council on October 8, 2013, the City formally committed to reduce or eliminate the use of pesticides when reasonable through the use of IPM principles and practices.

The purpose of the review process is to 1) evaluate the implementation of IPM treatment strategies used by the City to control pests, 2) insure the IPM reflects a balance in costs, environmental sensitivity and effectiveness in maintaining parks and landscapes; and 3) address any questions or concerns from the Commission and members of the community regarding the implementation of the IPM Policy.

Multiple treatment strategies are used to keep pest populations off-balance in order to avoid developing a resistance to any single treatment. In addition to sound policy implementation and thoughtful planning, IPM is comprised of four basic treatment control strategies. The treatment categories include Cultural, Physical, Biological and Chemical controls.

Cultural practices, physical controls and biological controls account for the majority of the IPM practices used for pest management. Chemical controls are used only when non-chemical controls are ineffective or are cost prohibitive.

Since the Program was adopted 2013, park maintenance staff have diligently followed the practices and procedures outlined in the IPM Policy to effectively control pest infestations at City parks and managed facilities.

Implementation of these control strategies requires an IPM landscape and maintenance program. The IPM principles are an integral part of landscape and maintenance program and was established to maintain parks and recreational facilities while maintaining a balance of costs, effectiveness and environmental sensitivity in order to provide a safe and healthy parks and recreation facilities for visitors.

Cultural Controls have been used to minimize conditions that sustain pests through active management and operation of parks, recreation facilities and landscaped areas. Cultural controls are included in the scope of work for landscape maintenance and custodial service agreements (Attachments 3 and 4) with the City. Examples of cultural controls include regular emptying trash receptacles, picking up litter, cleaning food service areas and restroom facilities, maintaining efficient irrigation systems, pruning and trimming plants and trees, posting signs notifying park patrons to not feed the animals, mulching landscaped areas and monitoring areas known for high levels of pest infestation. These and other cultural controls have been implemented in order to reduce or eliminate habitats capable of sustaining a suitable environment for pests to live.

Physical controls are used to effectively control or eliminate animals, rodents and insects. These controls often involve the use of mechanical devices or installation of a physical barrier to prevent and control access to a specified area. Specific controls include traps to capture rodents or fencing and screens to exclude animals or insects from protected areas.

The City has received complaints by those in the community that feel trapping is inhumane treatment of animals. The City has also experienced the theft and vandalism of traps placed to control the rodent population. To avoid damage to and theft of traps, the City began using a traps enclosed (disguised) in irrigation valve box and buried beneath the ground. The valve box has a locking device to prevent unwanted access to the traps. The pest management contractor clears the traps and resets them on a weekly or as needed basis.

In landscaped areas fencing has been successfully used to prevent deer and other animals from eating new plants before they have an opportunity to fully establish and naturally defend themselves. This control was successfully implemented at Trancas Canyon Park to protect newly installed plants from deer and other herbivores.

The City also safeguards buildings and enclosed structures by using physical controls known as sealants, or "sealing a building" to exclude pests. Sealing a building or enclosed structure is referred to as an "exclusion method" and is implemented by sealing enclosed structures with mesh screens, fence or other sealants that prevent rodents, reptiles and insects from entering a protected space.

Biological Controls are viewed as the most environmentally sensitive way to maintain the balance an ecosystem and control pests by relying on natural enemies of the pest for control and balance. Using predators in targeted ways reduces pest populations. Mosquito fish, hawks and ladybugs are common forms biological controls. Owl boxes and predator poles are biological enhancements used to introduce or encourage natural predators into an infested area.

Unfortunately, biological controls are often inadequate when an environment is out of balance or an infestation is beyond the acceptable tolerance levels. At Legacy Park a predator pole and owl box were installed in lieu of chemical controls to manage the rodent population at the park. Since being installed, the pole and box have not provided any significant or observable control over the rodents.

Chemical controls involve the use of natural "organically" derived or synthesized pesticides. A pesticide is any substance that is used to prevent, destroy, or repel pests or reduce the damage they cause. Pesticides can target insects (insecticides), mice and ground squirrels (rodenticides), weeds (herbicides) and fungi (fungicides). The City's IPM Policy states that when chemical controls are necessary, that they be the least toxic naturally and synthetically derived pesticides available when non-chemical alternatives prove to be ineffective or cost prohibitive

IPM programs generally recognize pesticides to be the last resort for pest control. Pesticides are also recognized as the most effective and least expensive form of pest control available. However, many believe pesticides are unnecessary on any level and present a variety of health issues to humans, animals and plants. The following information is summary of the City's pesticide use over the past two years.

The City of Malibu Pesticide Use List

Commercial Name	Common Name	Type	Category	Characteristics
Roundup Pro	Glyphosate	Herbicide	3	Post emergent, non-selective
SpeedZone	2,4-D, 2-ethylexyl ester	Herbicide	3	Post emergent, selective
Fusilade II	Fluazifop-P-butyl	Herbicide	3	Post emergent, selective
Dimension 270G	Dithiopyr	Herbicide	3	Pre-emergent, non-selective
Fumitoxin	Aluminum phosphide	Rodenticide	1	Fumigant

Product Use and Description

Roundup – is a post emergent non-selective herbicide that is formulated to control a wide variety of broadleaf and grass type weeds. Roundup is a systemic herbicide used for controlling invasive noxious weeds after they have emerged through the soil surface. This product is used to control weeds in hardscape such as, roadways, pavers, on trails and landscapes when other IPM methods (hand weeding or mechanical weed whips) are not feasible. Hand weeding and weed whipping require a higher number of workers to be on site more frequently, which in some cases puts workers at higher risk of injury when working on or adjacent to roadways and vehicular traffic. From a safety and liability perspective, using weed whips in hardscaped areas increase the risk injury to pedestrians and damage to property when debris and rocks are indiscriminately thrown from the work area.

Other potential uses for Roundup are along trails and areas of natural or ornamental native landscapes. Many non-native noxious weeds in a landscape are extremely difficult and costly to control mechanically or physically because of how rapidly they spread and compete with native plants. Some noxious weeds, such as poison oak, are harmful to people and are not safe to handle physically or mechanically because they are toxic and produce allergic reactions. Some weeds, by design, break off easily at the surface when attempts are made to uproot them preserving the roots and rhizomes to spread and sprout new growth days later. It should be noted that some weeds spread very effectively by way of seed or stolons, which make physical and mechanical techniques counterproductive. As non-native weeds spread, they compete with and destroy indigenous plants that native animals and organisms depend on for survival.

Since its introduction in 1974, Roundup has become the most heavily-used agricultural chemical in history. Much of Roundup's notoriety stems from its use in food crops to genetically modify food organisms.

Over the years there have been hundreds of opposing studies, reports and articles (too many to include in this report) on the benefits and safe use of Roundup versus the dangerous health concerns associated with the use of glyphosate, the active ingredient in Roundup. On September 4, 2015, California's Office of Environmental Health Hazard Assessment (OEHHA) provided notice of intent to list the herbicide glyphosate as known to the state of California to cause cancer under the state's Safe Drinking Water and Toxic Enforcement Act of 1985 (Proposition 65). To illustrate the differing views and opinions between scientists, environmentalists, farmers, ag business and horticulturists on the use of glyphosate, two letters (Attachments 5 and 6) are included with report that were submitted to the State of California from the organization Beyond Pesticides and the Monsanto Company in response to the proposed listing of glyphosate as a known carcinogen under Proposition 65.

SpeedZone – is a selective post emergent herbicide formulated to control broadleaf weeds only. This herbicide is used to control flowering and other broadleaf weeds in sport field

turf. It is vital to provide a level, uniform, predictable playing surface to reduce injuries during sport activities. For example, a baseball can bounce unpredictably and an athlete can be hit in face, head, or other parts of the body as a result. Also, an irregular surface will increase the likelihood an athlete injures himself or herself while running or falling. Most common injuries are sprained ankles, broken leg bones and upper body injuries including concussions.

In addition, many broadleaf weeds such as clover and dandelion produce flowers that attract bees in great numbers. Though only an annoyance for most people who may want to walk, picnic or play in the grass, they pose a serious health risk to those allergic bee stings, and a similar danger for those who are allergic and not aware or not prepared to deal with a sting. It is understood that bees while foraging are not in the defensive or attack state and will generally coexist with us if avoided, but if contact is made inadvertently with foraging bees there is high probability they will sting humans and animals.

Fusilade – works as a post emergent selective herbicide formulated to control grassy weeds only. The selective characteristic of the product allows the material to be applied to grassy weeds in and around desirable broadleaf plants without harming them. Several non-native grass type weeds are considered noxious. Bermuda grass and kikuyu grass are two common types that spread aggressively by stolen, rhizome and seed that can eventually consume a landscape. Grass type weeds such as these cannot effectively be controlled with physical or mechanical techniques, especially when they share space with other desirable native plants.

Dimension – is a non-selective pre-emergent herbicide that controls weeds any time before they emerge through the soil surface. It is formulated to control broadleaf and grassy weeds before they sprout. Dimension has been used to control weeds in medians and planters adjacent to roads and to prevent weed infestation in newly planted areas. This approach decreases worker exposure to roadway traffic by reducing the need for weed eradication, allows intended plants to mature with little competition from non-native noxious weeds and reduces labor costs.

Fumitoxin – is a rodent control used as an underground fumigant when other control measures (cultural, physical and biological) are impractical, ineffective or too costly. Fumitoxin comes in the form of a pellet and is placed in a squirrel or gopher hole which is then backfilled to prevent any fumes from escaping after activation. The benefits to Fumitoxin are that it dissipates relatively quickly and cannot be carried from one animal to another via the food chain.

Note: Fumitoxin is on the pesticide list as a potential chemical control, but has not been used by the City for more than 5 years.

Signal Words and Description

Signal words are required by U.S. Environmental Protection Agency (EPA) on nearly all pesticide products registered and labeled for sale in the United States. The signal word gives a pesticide user a way to quickly assess the relative hazard level associated with using a product. There are three signal words in use today: CAUTION, WARNING, and DANGER.

- CAUTION (Category III) – Means the pesticide product is slightly toxic if eaten, absorbed through the skin, inhaled, or it causes slight eye or skin irritation
- WARNING (Category II) – Indicates the pesticide product is moderately toxic if eaten, absorbed through the skin, inhaled, or it causes moderate eye or skin irritation
- DANGER (Category I) – Means that the pesticide product is highly toxic by at least one route of exposure. It may be corrosive, causing irreversible damage to the skin or eyes. Alternatively, it may be highly toxic if eaten, absorbed through the skin, or inhaled. If this is the case, the word "POISON" must also be included in red letters on the front panel of the pesticide product label.

The table below shows the signal word and category assigned to each chemical on the pesticide use list.

Commercial Name	Signal Word	Category
Roundup Pro	Caution	3
SpeedZone	Caution	3
Fusilade II	Caution	3
Dimension 270G	Caution	3
Fumitoxin	Danger	1

Use of Pesticides

Between July 2014 and May 15, 2016 there were three different herbicides used to control weeds and maintain landscaped areas within the park system. No rodenticides (Fumitoxin was listed but not used) or insecticides were used by the City during this time period to control rodents or insects. The products used included Roundup, SpeedZone and Dimension. The following table shows the quantity of each product used and the location of its use.

	Roundup	Dimension	SpeedZone	Fusilade	Fumitoxin
Trancas Canyon Park	2 oz.	100 lbs.	42 oz.		
Malibu Equestrian Park	10 oz.				
Malibu Bluffs Park	24 oz.	100 lbs.	54 oz.		
Legacy Park	321 oz.		12 oz.		
Las Flores Creek Park	23.5 oz.				
PCH Median - *(PCH between Webb Way and Cross Creek Road)*	7 oz.				
Triangle Planter - *(Malibu Canyon Road and Civic Center Way)*	4 oz.			1.5 oz.	
Total Amounts Used	**391.5 oz.**	**200 lbs.**	**108 oz.**	**1.5 oz.**	
Equivalents	3.05 gallons		0.84 gallons	3 tbsp.	

Note: glyphosate makes up only 43% of the Roundup concentrate.

Balancing Integrated Pest Management

To be effective, IPM must balance environmental sensitivity, effectiveness and affordability. Balance is based on the financial resources available to support an IPM program and the community's need for healthy and safe parks and recreation facilities, while respecting the environment and natural resources. Setting priorities is critical in establishing standards and maintaining balance of any effective IPM program. Priorities should be set based on community needs, local culture and financial resources.

In balancing pesticides, increased use of pesticides will enhance program effectiveness and reduce costs, but will reduce the program's environmental sensitivity. Using only organic pesticides will reduce overall effectiveness and maintain environmental sensitivity, but will increase maintenance costs. And, eliminating the use of pesticides will increase environmental sensitivity, but reduce effectiveness and affordability.

From a financial perspective, the City currently pays $186,000 annually for landscape maintenance and pest control. To eliminate pesticides and allow for diminished aesthetics, the City could expect to pay approximately $432,000 annually (an annual increase of $246,000) for less service, again without pesticides. To maintain the current level of service and aesthetics without the use of pesticides, the City projects a cost increase of $768,000 for an annual amount of $954,000 to maintain parks and landscapes.

The increase in cost is due to the additional manpower necessary to perform work that would compensate for the elimination of pesticides. A second balancing option and financial middle ground may be to lower community expectations for service while discontinuing the use pesticides.

Community Outreach

As part of the community outreach requirements of the IPM program, a community based group was organized by the City to discuss pest control issues and solutions. The group is open to the public and often includes community members, pest control professionals, landscape professionals, representatives from local shopping centers, and the Santa Monica Malibu Unified School District. The community outreach group has been meeting as needed since October 2013. These meetings have resulted in several pesticide awareness and education programs for the community.

Recommendation Alternatives

The Parks and Recreation Commission is being asked to review the City's IPM Policy and assess whether current policy implementation is effective, affordable and environmentally sensitive in meeting the recreational needs of the community. If not, the Commission may consider the policy revisions listed below in making recommendations to the City Council to more appropriately balance the IPM program.

1. Recommend re-alignment the balance of the IPM to address environmental sensitivity, financial resources and effectiveness in maintaining safe and aesthetically pleasing parks.
2. Recommend the IPM Policy include criteria that is specific on when and under what circumstances pesticides can be used.
3. Recommend the IPM Policy specifically limit the use of pesticides to only applications necessary for maintaining health and safety standards.
4. Recommend the IPM Policy limit chemical controls to pre-approved organic products.
5. Recommend revising the IPM Policy based on recommendations and input from the community.
6. Recommend the IPM Program be revised to reflect higher tolerance for weeds and non-native plants.

ATTACHMENTS:

1) Integrated Pest Management Policy
2) Integrated Pest Management Program
3) Landscape Maintenance Agreement Scope of Work
4) Custodial Services Agreement Scope of Work
5) Beyond Pesticides Response Letter
6) Monsanto Company Response Letter

City of Malibu

City Council Policy

Policy # 49

Title: Integrated Pest Management Policy (IPM)

Purpose: To establish best management practices for controlling pests that are harmful to the health, function or aesthetic value of park landscapes in an efficient, effective, and environmentally responsible manner, while paying careful attention to public safety.

Policy Statement:

IPM is a coordinated decision-making and action process that uses the most appropriate pest control methods and strategies in an environmentally and economically sound manner to meet pest management objectives. The elements of integrated pest management include: (a) preventing pest problems; (b) monitoring for the presence of pests and pest damage; (c) establishing action thresholds to determine when control measures and treatment strategies shall be implemented; (d) apply control measures using biological, cultural, mechanical and pesticidal control methods based on ecological impact, feasibility and cost effectiveness; and (e) evaluating the effects and efficacy of pest treatments.

Implementation:

1. City Policy

A. Under this IPM policy, the City commits to implementing best management practices to reduce or eliminate the use of pesticides whenever feasible through the basic IPM principles as described below.

1) Prevention – The first line of pest control is through policy implementation and thoughtful planning.

2) Action Thresholds – The tolerance threshold level is the point when pest populations or environmental conditions indicate when control actions are to be taken.

3) Identification and Monitoring – Identify pests and monitor them so the appropriate control decisions can be made in conjunction with action thresholds.

4) Control Measure – Pest treatment strategies implemented to control pests through cultural, physical, biological or chemical control measures with a minimum impact on health, safety, the environment and non-target organisms.

5) Evaluate the effects and efficacy of control measures. After a control method is implemented, the efficacy of the treatment is evaluated. Based on this evaluation, methods will be modified in an effort to continually improve outcomes and refine best management practices.

2. Designation of IPM Coordinator

The City of Malibu shall designate the Parks Recreation Director to serve as the IPM Coordinator to oversee implementation of this policy. This person will be the primary contact for all matters related to pest control for the city and act as a liaison between the city departments and pest management professionals. The IPM Coordinator will serve as a contact for the public seeking information about pesticide use or other pest management practices. The IPM Coordinator will also be responsible for the developing and maintaining an IPM Operations Manual for the City.

Date Adopted: October 28, 2013

City of Malibu

Integrated Pest Management Program

Introduction

The purpose of the IPM Program (IPM) is to establish and implement best management practices for controlling pests that are harmful to the health, function or aesthetic value of park landscapes in an efficient, effective, and environmentally responsible manner.

IPM is a coordinated decision-making and action process that uses the most appropriate pest control methods and strategies in an environmentally and economically sound manner to meet pest management objectives.

Under the IPM policy, the City commits to implementing best management practices to reduce or eliminate the use of pesticides whenever feasible through the basic IPM program principles as described below.

1) Prevention – The first line of pest control is through policy implementation and thoughtful planning.

2) Action Thresholds – The tolerance threshold level is the point when pest populations or environmental conditions indicate when control actions are to be taken.

3) Identification and Monitoring – Identify pests and monitor them so the appropriate control decisions can be made in conjunction with action thresholds.

4) Control Measure – Pest treatment strategies implemented to control pests through cultural, physical, biological or chemical control measures with a minimum impact on health, safety, the environment and non-target organisms.

5) Evaluate the effects and efficacy of control measures. After a control method is implemented, the efficacy of the treatment is evaluated. Based on this evaluation, methods will be modified in an effort to continually improve outcomes and refine best management practices.

Integrated Pest Management Methodology

The IPM is a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of integrated techniques such as policy implementation, planning, monitoring for pest presence and establishing treatment threshold levels, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and environment, are used only after careful monitoring indicates they are necessary.

Methodology

1) IPM Policy – Establish best management practices to control pests that are environmentally sensitive, effective and financially feasible.

2) Design and Plant Selection – Incorporate landscape designs and plant selections that minimize pest management issues.

3) Cultural Practices – Maintain cultural practices that establish healthy landscapes and assist in maintaining their resistance to pest problems.

4) Physical Controls – Employ mechanical and physical methods to manage pests.

5) Biological Controls – Where applicable, introduce natural predator of pest as biological control and minimize disruption of natural pest controls that may be present.

6) Chemical Controls – Use of the least toxic naturally and synthetically derived pesticides available when non-chemical alternatives prove to be ineffective or cost prohibitive.

Selection Criteria for Pest Management Method

In selecting a pest management method all personnel shall consider the following factors and any additional factors relevant to the selection.

1) Nature of the site
   - Susceptibility to erosion and potential soil movement from water runoff
   - Intended use and function of the landscape
   - Feasibility of the control method, site location and scope of the problem
   - Relative importance and public expectation of the site and plantings
   - Site conditions such as soil type, grade, drainage patterns, and presence of surface water

2) Possible health and safety effects – Consider both short and long-term toxicological properties and any other related potential health effects of the materials or methods, both to the applicator and the public
   - Equipment operation safety issues for both the operator and the public
   - Worker safety and worker injury issues involved with carrying out the method

3) Possible environmental effects – Consider both acute and chronic toxicity and related potential effects of the material or method to non-target organisms including mammals, birds, amphibians, fish, invertebrates and other organisms
   - Environmental effects from potential bioaccumulation
   - Potential impacts to non-target plants and other organisms from materials or methods
   - Potential impacts to federally listed threatened or endangered species
   - Possible introduction or establishment of invasive plants

4) Costs – Short and Long Term Financial Impacts
   - Costs of the material or method
   - Application and labor costs
   - Length and quality of pest control
   - Feasibility of using a particular method or product

5) Characteristics of the Product
   - Target pests and target sites of the product being used
   - Possible residual effect, decomposition pathways, rates, and breakdown products
   - Volatility and flammability
   - Product formulation and package size
   - Leachability, solubility, and surface and soil bonding characteristics of the product
   - Ease of cleaning equipment after use
   - Positive and negative synergistic effects of pesticide combinations

6) Special Considerations
   - Application equipment availability
   - Method of delivery
   - Weather conditions
   - Previous pesticide applications to the site and the interval between treatments
   - Possible development of pest resistance to a particular management method or material
   - For natural area invasive plant removal, the presence of nesting birds in area to be treated

Designation of IPM Coordinator

The Parks Recreation Director shall serve as the IPM Coordinator responsible for oversight and implementation of the IPM Program. This person will be the primary contact for all matters related to pest control for the city and act as a liaison between the city departments and pest management professionals. The IPM Coordinator will be the primary contact for the public seeking information about pesticide use or other pest management practices. The IPM Coordinator will also be responsible for the developing and maintaining an IPM Operations Manual for the City.

<u>Responsibilities of IPM Coordinator</u>

1) Serve as the primary contact for pest control on city property for all city staff and officials; organize IPM trainings for city staff as needed;
2) Maintain written records of cultural practices, mechanical control, prevention strategies and other non-toxic pest control activities as well as pesticide use, including requests for Limited Use Exceptions;
3) Develop and maintain an Integrated Pest Management Operations Manual including standardized documentation sheets for use in tracking pest populations, pest control actions and effectiveness reports.
4) Work with city staff and contractors to maintain and update those sheets;

5) Develop and maintain a list of pesticides that may be used by the City, make it available to the public on the city website, and update it annually;
6) Create standardized signage for use in public notification. Signage will include date of application, the name and type of product used, the signal word, the active ingredient(s) and a contact phone number where the public may call to obtain information or the website address here the public can access the information on the pesticide application;
7) Provide information to the public on pest control and IPM on the Parks Department's webpage and update it regularly, including the list of allowed pesticides and their active ingredients and inert ingredients, advance posting of pending pesticide applications by location, links to this IPM policy, and contact information for the IPM Coordinator;
8) Evaluate the IPM Program on a regular basis;
9) Ensure that pest management practices carried out by city staff and contractors are consistent with the IPM Policy;
10) The IPM Coordinator shall work with City staff or contractors to regularly monitor city property for pests.

Pest Management Planning

Assessment of Condition or Need

The IPM Coordinator and other City staff or contractors shall set action thresholds specific to the types of properties and pests identified, work to prevent pests, evaluate and document management of City properties.

Guidelines for Pest Treatment

If it is determined that treatment is needed, the following criteria hierarchy is used in determining the appropriate strategy:

1) Least disruptive of natural controls;
2) Least hazardous to human health;
3) Least toxic to non-target organisms;
4) Protective of wildlife and the native habitat
5) Least damaging to the ocean, streams and the natural environment;
6) Cultural, biological and mechanical solutions have been considered and evaluated;
7) Prior treatments used on site to control the pest and an evaluation of the success of that approach;

Contracts, Notification and Recordkeeping

Contracts

All contractors who manage pests on city owned property shall be required to adhere to the guidelines established in the city's IPM policy and pest management plan. The IPM Coordinator shall develop contracts that reflect this policy and selection of contractors will target those who can and will comply with this IPM policy.

Notification

The City shall provide public notification (as required) of use of pesticides in the following manner:

1) Signs of a standard design and 8.5 inches x 11 inches in size, easily recognized by the public and workers, shall be posted at regular public access points to the targeted area according to product requirements in advance of application and remain in place per product label instructions after application.
2) Signage shall also comply with any applicable State/Federal law and product label instructions.
3) Signs shall contain:
   - Trade name, active and inert ingredients of the pesticide product;
   - Target pest;
   - Date of posting;
   - Dates of anticipated pesticide use and date of actual pesticide use;
   - Signal word (keep of reach of children, caution, warning, and danger) indicating the toxicity category of the pesticide product;
   - Date for re-entry of staff and the public to the treated area, if applicable;
   - Name and contact number for the IPM Coordinator.

Recordkeeping and Reporting

The IPM Coordinator shall keep written records, available to the public, of all pest management activities, including any commercial pesticide applications, restricted pesticide applications and non-pesticide methods, including no-action, used to control or prevent pests for at least two years.

Community Outreach and Education

City Website

1) IPM Policy
2) List of pesticides used by the City
3) Product label for listed pesticides
4) References for pesticide use and disposal
5) Listing of community based environmental workshops

City Sponsored Workshops

Periodically the City will offer public workshops to demonstrate integrated pest management techniques that can implemented to safely use, reduce or eliminate pesticides in managing residential landscape areas.

SCOPE OF WORK

1. GENERAL SPECIFICATIONS

1.1 Statement of Work
The contractor shall provide skilled landscape maintenance personnel, materials, tools, equipment, and transportation to perform landscape maintenance services at public properties under the jurisdiction of the City of Malibu's Parks & Recreation Department. The Contractor shall be responsible for supplying all supplies and equipment, which are required in connection with the services to be performed under contract. All materials are subject to the approval of the City's Parks & Recreation Director.

1.2 Contract Time
The contract shall be for a three-year period with an option for three one-year additional terms, for a maximum total contract length of six years. The City upon thirty (30) days' written notice may cancel the contract. The contractor may also cancel the contract with the City upon thirty (30) days' written notice.

1.3 Additions/Deletions
The City reserves the right to add or delete properties at any time during the life of the contract or resulting extensions, with ten (10) days' written notice to the contractor. Additions shall be added at the contract rate for comparable properties under contract. If there are no comparable properties, the price shall be negotiated by the City with the contractor. If the request for additional work begins during a billing cycle, the payment shall be prorated for the month in which work commenced.

1.4 Hourly Rate/Certified Payroll
The provisions of the California Labor Code will be incorporated in and govern this contract. The successful contractor will be required to pay not less than the general prevailing rate of per diem wages as determined by the Department of Industrial Relations, copies of which are on file in the office of the Agency and will be made available upon request.

1.5 Progress Payments

a. The contractor will be paid only for each location maintained as verified by the City.

b. The contractor is required to perform scheduled maintenance operations specified in the contract document. Failure on the part of the contractor to perform any such maintenance operations will result in the progress payment deductions equivalent to the product resulting from the multiplication of the units (or subunits) by property site quoted by the contractor times the number of working days of failed performance.

c. The City's contract administrators will notify the contractor's crew supervisor of failure to perform any required operation. This notification will be in writing and will indicate the

operation not performed, along with the location, time, dates, property site, square footage, and amount to be deducted from the upcoming progress payment.

d. All progress payments will be for work performed as adjusted to reflect deductions for failure to perform as specified.

1.7 Landscape Crew Personnel - Rejection/Replacement
The City reserves the right to reject any landscape crew personnel or supervisor of the contractor's work force. It shall be the contractor's responsibility to replace such rejected workers in a manner that will not affect the execution of the contract responsibilities as specified in the contract document.

1.8 Work Force/Schedule/Shift/Manpower

a. The work force shall consist of company skilled landscape maintenance personnel and include any subcontractors. The contractor's crew(s) shall be under the supervision of a contractor-designated Landscape Maintenance Lead Worker. The designated Lead Worker shall have the ability to communicate with City staff in English. In the event of the absence of the regular Lead Worker, it will be the responsibility of the contractor to designate an acting Lead Worker to oversee the crew while performing the maintenance operations specified by the contract. The contractor must notify the City of any such designation before the beginning of any shift by contacting the City's contract administrator at (310) 456-2489 ext 225.

b. The City reserves the right to change the work hours and shift schedule. The contractor shall be notified at least one (1) full week prior to such changes.

c. The City will not recognize any holidays as paid holidays for the contractor employees.

d. Identification of Vehicles
All vehicles and equipment utilized in connection with the contract shall be visibly marked with company identification.

e. All employees must be at least eighteen (18) years of age thoroughly trained and qualified in the work assigned to them. All employees must be able to follow directions. Employees must also be physically capable of the duties assigned to them, including lifting/moving heavy items, climbing ladders, etc.

f. Contractor shall provide uniforms to the employees who are assigned to do the work on the contract, so that the contractor's employees may be easily identified. Uniforms shall bear the employee's name and the company's name and/or logo and shall present a professional appearance.

g. Contractor(s) may not allow on City premises any person who is not an employee or principal with the company and currently on duty.

1.9 Landscape Maintenance Program - Level of Service

a. The City shall regulate precisely the service level desired.

b. The City shall have absolute control over landscape maintenance program direction and execution.

1.10 Labor Strike

a. The contractor shall be responsible for its own labor relations with any trade or union representative among its employees and shall negotiate and be responsible for adjusting all of the disputes between itself and its employees or any union representing such employees. Whenever the contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of the services, the contractor shall immediately give written notice thereof to the City.

b. It shall be the contractor's responsibility to provide continuous maintenance services, without interruption, to all locations specified herein. In the event of a labor strike, the contractor shall provide other means, at contractor's cost, to provide continuous and comparable service. Failure to do so will cause the City to take whatever action is necessary to provide the service, with any cost above and beyond the contractor normal rates (which will be deducted from the contractor's progress payment) to the City being borne by the contractor.

1.11 Subcontractor/Assignment of Contract

The contractor shall not subcontract any portion of this contract or any additions made to the contract without first receiving approval from the City. All persons engaged in landscape maintenance work shall be considered employees of the contractor, with the supervisor being directly responsible for their work. The contract may not be assigned to another owner or entity without City approval.

1.12 Duties and Responsibilities

a. The City's Parks & Recreation Director or its designated representative(s) will act as the contract administrator and will manage, coordinate, and administer the contract and verify completion of all maintenance operations specified in the contract document. He will also provide written notice of failure to perform the contract and indicate the amount to be deducted from the forthcoming progress payment.

c. The Contractor's Lead Worker/Supervisor is responsible for the execution of the maintenance operations specified herein. He represents the contractor and is responsible for the supervision of the contractor's employees while they are performing the landscape maintenance service.

1.13 Quality of Work

All work shall be performed in accordance with the best maintenance, safety practices and standards of cleanliness. The City shall inspect the work performed by the contractor and

approve or reject the work and materials used. Failure on the part of the contractor to correct poor workmanship or substandard performance will result in the initiation of a written notice of failure to perform and/or cancellation of contract.

1.14 Scope

It is the intent of the scope of work to include all maintenance services, materials, supplies, tools, and equipment and transportation necessary to maintain all portions of the property specified in the contract. It is understood and agreed that only the highest possible industry standards of landscape maintenance will be accepted and shall be consistently maintained.

1.16 Disclosure of Information

a. The contractor agrees that it will not during or after the term of this contract disclose any proprietary information or confidential business information of the City, including but not limited to its costs, charges, operating procedures, or methods of doing business to any person, firm, corporation, association, or other entity or to the general public for any reason or purpose whatsoever, without the prior written consent of the City. Such confidential or proprietary information received by the contractor shall be used by it exclusively in connection with the performance of the services.

b. The contractor shall not issue or release for publication any articles, advertising or publicity matters relating to the services performed by the contractor hereunder or mentioning or implying the name of the City or its respective personnel, without the prior written consent of the City.

1.17 Energy Conservation/Recycled Goods Usage

The contractor shall comply with all energy conservation and recycling practices of the City.

1.18 Employee Food Service

The contractor shall not be allowed to bring on to the City's property any food or beverage catering trucks, vending machines, or other serving facilities without prior written authorization from the contract administrator.

1.19 Key Control

a. The contractor shall adequately secure the keys, other entry devices, and codes provided by the City. The contractor shall maintain a record of the key numbers issued to its employees.

b. The contractor shall not duplicate and shall not allow such items to be duplicated or removed from the site of the services.

c. The contractor shall immediately report any such item, which becomes lost, missing, broken, or stolen to the contract administrator. Should the contractor lose or have stolen any keys issued to the contractor by the City, the cost of changing locks, keys, or other devices will be deducted from the contractor's invoice to the City for work performed

under this contract.

d. The contractor shall physically present all keys and other entry devices for verification upon request of the contract administrators.

2. FACILITY DESCRIPTIONS

Malibu Bluffs Park - 24250 Pacific Coast Highway / ten-acre community park that includes two baseball fields, multi-use sports field (300x150 ft.), three playground areas, three picnic areas, community center building, restrooms (3 sets), parking lot, sidewalks, six acres of turf area, native vegetation, and landscaped areas adjacent to the community center building and parking lot.

Malibu Equestrian Park – 6225 Merritt Drive / park is made up of two riding arenas, picnic area, restroom building, riding trails, asphalt and decomposed granite parking lot, native vegetation (xeriscape), and no irrigation.

Charmlee Wilderness Park – 2577 S. Encinal Canyon Road / 524 acre wilderness park with eight miles of trails, native vegetation (xeriscape), vehicle parking, picnic areas, restroom building, and a nature center.

Trancas Canyon Park – 6050 Trancas Canyon Road / 6 ½ acre neighborhood park contains an access road, vehicle parking, playground, decomposed granite dog park, restroom building, picnic shelter, full irrigation system, native vegetation and 1 ¼ acres of turf.

Las Flores Creek Park - 3805 Las Flores Creek Road / 4 acre neighborhood park situated along Las Flores Creek with walking paths, restroom building, picnic areas, playground, full irrigation system, with native vegetation (xeriscape).

Papa Jack's Skate Park – 23415 Civic Center Way – 10,000 square foot skate park is hardscaped with trees surrounding the site.

Legacy Park / 23500 Civic Center Way – 15 acre park made up of native vegetation (xeriscape), full irrigation system, and pedestrian walkways.

Median Strips - John Tyler Ave and Pacific Coast Highway, Malibu Canyon Rd and Civic Center Way

3. CHANGE ORDERS

3.1 The City may, on occasion, without invalidating the contract, modify the contract by adding, deleting or changing areas to the contract; by adding, deleting or changing usage or space; by adding, deleting or changing routine services; by deleting or changing specifications. All such changes shall be ordered by means of a written change order. The City and the

contractor shall agree upon any changes in the compensation to the contractor resulting from such change orders.

4. CONTRACT ADMINISTRATORS

4.1 The City shall designate the Parks & Recreation Director or its designated representative as contract administrator who shall act on behalf of the City with respect to all aspects of this contract.

4.2 The administration of this contract is vested wholly in the contract administrator. The contract administrator shall have complete authority to require the contractor to comply with all provisions of this contract. The contractor shall strictly and promptly follow the instructions of the contract administrator in every case. The contract administrator's decision upon all questions, claims, and disputes will be final and conclusive upon the parties of the contract. The contract administrator shall exercise any discretionary authority in a reasonable manner.

4.3 The contractor shall provide the contract administrator free and easy access to inspect and measure the manner and progress of the services at all times and to inspect the types and quantities of tools, equipment, chemicals, supplies and all other materials used in the performance of the services. It is agreed that such inspection and measurement is not for the purpose of controlling or directing the services or employees of the contractor, but to assure that all services meet the requirements of the contract.

4.4 The contract administrator shall decide any and all questions which may arise as to conformance of and acceptability of tools, equipment, chemicals, supplies, and all other materials and methods and procedures used in the performance of the services with regard to the requirements included herein. The contract administrators shall decide all questions which may arise as to the interpretation of the contract documents relative to the services and the fulfillment of the contract on the part of the contractor.

4.5 The contract administrator will determine the amount and quality of the several kinds of services performed and material furnished which are to be paid for under this contract.

4.6 The contract administrator shall have the authority to require the contractor to make temporary changes in the assignment of routine services, tasks and task frequencies if such changes do not affect the unit prices. Such temporary changes shall not affect the amount of payment to the contractor.

5 OBLIGATIONS, WORKMANSHIP, SUPERVISION AND DAMAGE

5.1 Contractors must provide and/or currently possess the following prior to submitting proposal. Proposal: Contractors' State License, 24-hour answering service, central office/yard, two-way communication, references from clients with similar landscape maintenance projects, including at least three years' experience in park and median landscape maintenance.

5.2 All contractors' maintenance workers must wear company uniform. Uniforms (including orange shirts) must clearly identify the company's name. Exception: All employees working on median strips must wear O.S.H.A.-approved vests with Scotchlite reflective striping.

5.3 The contractor shall give his personal supervision to the work or have a competent supervisor on the job site at all times during progress of the work, with authority to act for him, be responsible for adherence to specifications and be available for consultation with the City's representative.

5.4 All work shall meet with the approval of the City of Malibu Parks & Recreation Department. There shall be a weekly written report of completion of work at each site, submitted to the City representative at the end of each week.

Any specific problem area which does not meet the conditions of the specifications set forth herein shall be called to the attention of the contractor; and if not corrected, payments to the contractor will not be made or will be prorated until condition is corrected in a satisfactory manner as set forth in the specifications. The contractor will not receive payment when work is not performed.

5.5 The contractor shall provide a work force, vehicles and equipment sufficient to complete the work as it is specified.

5.6 The contractor shall provide proper traffic control at all times while working on public right of ways as prescribed in the WATCH handbook (Work Area Traffic Control Handbook) latest edition and as approved by the Director of Public Works.

5.7 The contractor will report without delay, damage to City equipment or property and shall be held responsible for the correction or replacement of any said damage caused by his act hereunder.

5.8 Plant materials that are destroyed by vandalism, private construction or by City forces shall be the responsibility of the City of Malibu.

5.9 All workmanship and craftsmanship must be of high quality and meet with the approval of the representatives assigned by the City of Malibu.

6 IRRIGATION

6.1 The City Maintenance Worker is responsible for programming the automatic irrigation controllers.

6.2 The City of Malibu shall repair all automatic controller clocks when they malfunction, and pay for all necessary irrigation materials, excluding tools.

6.2 The contractor shall repair any damaged sprinkler heads, nozzles, swing arms, fittings, risers, lateral lines and quick couplers, resulting from routine wear, defective parts, mower damage, etc, and shall routinely clean out sprinkler heads and lines to keep them in good operating condition at all times. All labor shall be at no cost to the City. All necessary materials for repairs, excluding tools, shall be paid for by the City

6.4 Repairs to the irrigation system mainline pipes, solenoids, valve wiring and valves resulting from normal wear, vandalism or damage by other means, with the exception of contract maintenance negligence, shall be the responsibility of the City.

6.5 Irrigation water shall be carefully applied and in quantities required by the different plant species, time of the year, and other basic environmental factors. The effect of the watering program shall be checked once a week by the contractor.

6.6 Automatic irrigation shall take place at night or early morning hours only.

6.7 Sprinkler heads must be unobstructed from grass, soil or other matter that prohibits the proper water spray; herbicides may not be used around heads to prohibit grass growth. Contractor shall be responsible for making all adjustments to sprinklers including height, arc and angle of sprinklers, risers as necessary to compensate for growth of plant material, thatch build up etc.

6.8 Where the installed sprinkler system does not cover or water an area adequately, the contractor shall provide his own sprinklers and hoses to adequately water the area.

6.9 Watering shall be controlled to avoid excessive drainage on sidewalks, streets and play areas, creating a hazard and wasted water. Areas referred to as "slope" will require special attention due to severe grades and watering difficulties.

6.10 Any areas that have manual watering systems must be watered as needed to keep plant material in healthy condition. Automatic irrigation controllers will be kept locked at all times. The Park Supervisor and assigned City staff will have master keys to all controllers

6.11 If irrigation system is inoperative for whatever reason, the contractor MUST water the areas with manual sprinklers and hoses.

6.12 The contractor shall perform field observations and provide status reports to the Park Supervisor. Specifically, the contractor shall notify the City in writing of the condition of the landscape area and irrigation system by station valve number and controller, as assigned by the Park Supervisor. The irrigation system must be visually monitored a minimum of once a week to ensure the system operates at an optimum level of efficiency.

Materials

1. All irrigation replacement parts and materials must be equal to or better than manufacturers' original equipment, unless City representative approves a substitute in writing.

2. Contractor shall maintain an adequate inventory of medium and high usage stock items for repair of the irrigation system.

3. Contractor shall implement repairs in accordance with manufacturer's warranties. Payments will not be made for repairs on equipment covered by manufacturer's warranty.

4. Calculation of cost of material for work shall be the wholesale cost of material including but not to exceed a 15% markup for overhead costs and profit.

5. All materials are to be new and identical to existing materials, unless otherwise directed by the City representative.

6. The City reserves the right to purchase materials directly and make available to the Contractor.

7 HARDSCAPE AND BUILDINGS

7.1 All walkways, parking lots and hardscaping will be swept or blown clear of dust, dirt and plant matter and litter picked up daily or as required by the City representative. Sweeping should coincide with mowing and edging activities. Broken or uneven walkways shall be the responsibility of the City, except in the case of walkways damaged by negligence or abuse by the Contractor. In the event of Contractor related damage to walkways or other hardscape features, it will be the decision of the Director whether the Contractor will complete the repair of if the City will complete the repair and reduce the Contractor's payment accordingly. All walkways will be cleaned with a high-pressure washer as scheduled by Park Supervisor. Gas powered leaf blowers are not allowed by City ordinance.

7.2 Maintain drainage courses and drains within park boundaries. Remove dirt, debris, litter and vegetation as necessary to allow unrestricted water flow. Missing or damaged grates shall be reported to City's Park Supervisor immediately.

7.3 Exterior building maintenance - Walls, doors, windows, lighting fixtures, signs, will be maintained in a clean and operating manner. Unpainted walls sidewalks, benches, picnic table and playground areas, shall be inspected daily and maintained in a neat, clean, and safe condition at all times. Areas shall be cleaned with a high-pressure washer once per week or as required by the City representative. Lubrication of locks and hinges, replacement of bulbs and repairs due to no fault of the contractor will be the responsibility of the City.

8 AERATION AND FERTILIZATION

8.1 Soil and turf tissue analysis for all City parks shall be performed annually by a licensed laboratory and presented to the Park Supervisor. The analysis should include recommendations for action. For soils consideration the following should include in the analysis pH, Macro/Micro Nutrients, Sodium and Salts, Organic Materials, Nitrogen/Phosphorous/Potassium (N/P/K), Magnesium (Mg^{++}) ratio to Calcium (Ca^{++}) for infiltration rates, and Cation Exchange Capacity. For the tissue analysis the following tests should be included: deficient and excessive amounts of macro and micro elements, consideration of parts per million Aluminum (Al), Consideration of the parts per million of Iron ($Fe_2^{++(+)}$), Consideration of the parts per million Boron (B), Results of the test will determine the fertilization rates and may direct changes in other maintenance practices such as irrigation, mowing and aeration.

8.2 The Contractor will provide for aeration as needed in preparation for fertilization and renovation.

8.3 All turf areas are to be fertilized as recommended by the soil and turf tissue test. **Fertilizer will be applied by the contractor as often as required by the City Park Supervisor to maintain a healthy condition and deep green color at all times.** All fertilizer will be a City approved organic material. Substitute fertilizer must be in the appropriate form (granular, homogenized, and dust free) and approved in writing by Park Supervisor. An annual schedule will be set and confirmation will be made with the Contract Administrator at least one (1) week prior to the exact date of fertilization. The fertilization schedule will coincide with the aeration/cultivation schedule as applicable. A record of fertilizations including types, application rates and dates will be maintained by the contractor and presented to the Contract Administrator as requested.

8.4 Fertilizer shall be applied uniformly by a calibrated commercial spreader and watered into the soil immediately after application.

8.5 All shrub and ground cover areas shall be fertilized twice a year during the months of March and October. Fertilizer will be a balanced organic, and applied at a rate specified by the soil and tissue test or as determined by the Park Supervisor. If needed, foliar feedings will be used to maintain a healthy color. The Park Supervisor shall be notified one week in advance of the fertilization schedule and the Director, at the Director's discretion, may be present

during the application process.

9 SHRUB, TREE AND GROUNDCOVER CARE

9.1 The contractor shall be responsible for pruning of all plant material including shrubs and trees from ground level. All trees are included in required trimming operations. Large mature trees are to be maintained a minimum of 14 feet above ground level by the landscape contractor. All dead and damaged branches and limbs shall be removed at the point of breaking at the time breakage occurs. All trimmings and debris shall be removed and disposed of offsite at the end of each work day. **All pruning and trimming operations shall be in accordance with International Society of Arborist (ISA) standards.**

9.2 Pruning shall be done according to the natural growth of each individual plant to maintain proper plant health by cutting out dead, diseased or injured wood; to control growth when an unshapely shrub or tree might result; and to increase the quality of flowers. Trees and shrubs will also be trimmed as needed to prevent property damage or safety hazards such as sight restrictions, pedestrian obstruction etc.

9.3 Ground covers are edged as needed to prevent growth from interfering with other plant material and from growing over curbs, sidewalks, walls, fences, controller units, valve boxes quick couplers, or other appurtenances or fixtures.

9.4 Trim, shape and prune trees to maintain a safe, reasonable appearance. Public safety shall be a prime consideration in trimming trees. Tree overhang shall have a ground clearance of at least seventy-two inches (72") or as recommended by the City

9.5 All shrubs and trees shall be kept trimmed as necessary to keep all City signs clearly visible by traffic at all times. Shrubs shall not be allowed to grow higher than thirty inches (30") without the approval of the Director.

9.6 Cultivate ground surrounding shrubs, trees and ground cover as needed to maintain a healthy vigorous appearance and growth rate.

9.6 Shrub and Ground Cover Replacement - The Contractor is expected to take all reasonable steps to mitigate climactic or other anticipated damage to shrub and ground cover. Shrubs and ground cover that are destroyed or die due to Contractor's negligence will be replaced at Contractor's expense. They will be replaced with the same material that existed unless the Contractor is otherwise notified by the Park Supervisor in writing. Substitutions for any plant materials must have prior approval in writing. Original plans and specifications should be consulted to determine correct identification of species.

9.7 All weeds will be removed by either chemical eradication, mechanical, or by hand. Weeds are to be removed from all shrub, ground cover areas, turf, along trails, in parking areas, walkways, arenas and trails within seven (7) days of becoming visible. Wood chips will be

used in appropriate areas to prevent weeds. All work must be in accordance with the City Integrated Pest Management Policy.

10 BRUSH CLEARANCE

10.1 Brush clearance will be performed to clear plant materials 10 feet from the edge of roads, parking areas, sidewalks and picnic tables on an ongoing basis.

10.2 Trails will be kept clear and brush cut back as needed to maintain city trail standards. Hazardous plants such as poison oak will be kept clear for a distance of 15 feet from trails and public walkways.

10.3 Contractor shall complete brush clearance annually on all properties as defined in scope of work. The clearance must be completed by the first day of June each year and satisfy the brush clearance standards as required by the Los Angeles County Fire Department and Malibu City Ordinance

11 MOWING AND EDGING

11.1 All turf areas are to be maintained weed free and with even coverage and an attractive appearance throughout. Turf health is a priority to provide a resilient sport surface with adequate regenerative capacity to withstand periods of high use.

11.2 Mowing - All turf will be cut using a reel type mower and to the industry standards for the specific varieties of grass. The direction and pattern used in mowing large turf areas will be varied on a regular basis. The length to which the grass is cut will be determined by the Park Supervisor and may be changed at his discretion. All grass clippings, leaves and trash will be removed the same day the area is mowed and disposed of in accordance with City Ordinances. A mowing schedule will be established and maintained to the satisfaction of the City. The mowing schedule is intended to be completed weekly. In order to maintain a safe and attractive playing surface, sports fields may require more frequent mowing during certain times of the year. Changes in season and weather may require variations in the regular schedule to achieve a healthy, well-maintained turf. Storms and severe weather conditions may also interfere with the proposed schedule. Variations of the proposed schedule must be discussed with the Contract Administrator and approved by the Director in advance. In the event that a mowing is missed due to inclement weather, the Contract Administrator should be notified.

11.3 Edging - After each cutting, the edge of the grass shall be trimmed to a neat and uniform line. Where trees and shrubs occur in turf areas, all grass shall be removed at least 6" from the trunks of trees and away from the drip line of shrubs, without damage to the shrub or tree. All sprinkler heads shall be trimmed around after each mowing in order to provide maximum water coverage. An edging schedule is to be considered part of the mowing

schedule and shall be concurrent with the above mentioned mowing schedule.

11.4 Weed Control - All weeds will be removed by either chemical eradication, mechanical, or by hand. Weeds are to be removed from all turf, shrub, ground cover areas, along trails, in parking areas, walkways, in fields, warning tracks, equestrian arenas and trails within ten (10) days of becoming visible.

11.5 Renovation, Dethatching - Removal of all excessive thatch as scheduled at least once a year at the discretion of the Director in order to maintain acceptable turf appearance and health. Equipment will consist of standard renovating or vertical mowing type dethatching machine. The Director shall be notified at least one (1) week prior to the exact date of renovation.

11.6 Trim around trees, sprinkler heads, planters, mowing strips, walkways and fences. Tree trunks are not to be struck by mowers, "string trimmer", or other equipment.

11.7 Mowers shall be kept in proper adjustment. Mower blades must be kept sharp in order to obtain a clean, sharp cut and not damage the grass. Shredding or rough cutting of grass will not be permitted.

11.8 Mowing and edging must be accomplished Monday through Friday, between the hours of 7:00 a.m. and 3:00 p.m.

11.9 If holidays or weather conditions interfere with the regular mowing schedule, mowing and edging MUST be accomplished on the following day or as soon as conditions permit.

11.10 After mowing and edging, all trimmings and debris shall be swept, vacuumed, or blown off sidewalks and paved areas and disposed of. Discarding trimmings and debris into the street will not be permitted.

12 DISEASE AND PEST CONTROL

12.1 The contractor shall be responsible for the control and eradication of all diseases and insects affecting all plant material. Controls to include necessary use of integrated pest control systems involving the use of life history information and extensive monitoring. Control through prevention, cultural practices, pesticide applications, exclusion, natural enemies and host resistance. Only the safest, lowest odor and most environmentally friendly pesticides shall be used.

12.2 Best horticultural practices and methods of control shall be used; care must be taken in following label directions and in applications.

12.3 All safety regulations in handling and applying pesticides shall be adhered to in accordance with the City of Malibu Integrated Pest Management Policy and regulations set forth by the

State of California Department of Food and Agriculture.

12.4 Contractor shall control all pests including but not limited to, gophers, moles, ground squirrels, snails, bees, ants, and other unwanted insects. The contractor will repair any and all damage done to turf, landscape and soil by activities of controlled pests.

12.5 The contractor shall control plant diseases caused by bacteria, viruses, or fungi.

12.6 All pesticides to be applied by a licensed applicator only. Contracting company must have all necessary licenses in order to apply pesticides. Prior to any pesticide application, submit a copy of a "Pest Control Recommendation" to the Director.

12.7 The Contractor shall submit annually to the IPM Coordinator or Park Supervisor of a list for approval of all chemical pesticides proposed for use under this contract. Attached to the list will be the current label and material safety data sheet and written recommendations for each chemical on the list. Additionally, any changes or updates made to this list shall be supplied to the IPM Coordinator or Park Supervisor as they are made. Materials included on this list shall be limited to chemicals approved for use by the State of California Department of Food and Agriculture. No chemical pesticide shall be applied until its use is approved in writing by the IPM Coordinator or Park Supervisor as appropriate for the proposed purpose. The application of chemicals shall conform to the current Los Angeles County Food and Agriculture regulations. A pesticide application form must be completed and submitted to the IPM Coordinator or Park Supervisor following each pesticide application. A pesticide usage report must be completed and submitted to the Park Supervisor at the end of each month for all pesticides applied during that month

12.8 Use of restricted use pesticides must be preceded by notification to the City representative one week prior to the planned application date. The notification must be in writing and shall include the pest control advisor's written recommendation. A permit from the County Agricultural Commissioner's office to apply any restricted use pesticide must be obtained, and a notice of intent shall be filed at least forty-eight (48) hours before applications with the Los Angeles County Agricultural Commissioner's office as per State and County guidelines.

12.9 The Contractor shall supply proper materials, licensed personnel, obtain required permits, licenses, registrations, pest control advisor recommendations in compliance with City, County, State and Federal regulations and laws. Copies of all County and State licenses, registrations, and permits required shall be supplied to the Park Supervisor on an annual basis. Contractor will assume responsibility and liability for the use of all chemicals and their applications. There shall be no applications of a pesticide without written permission from the City.

13 REPLACEMENT OF PLANT MATERIALS

13.1 The contractor shall replace all plant material that has died because of lack of proper

maintenance. This material includes turf, ground cover, shrubs and trees.

13.2 Any plant having had one-half or more of its foliage die back shall be considered dead; the Contract Administrator shall determine if a plant is dead, what plant replacement if any should be made, and shall notify the contractor of such.

14 GENERAL MAINTENANCE, INSPECTION AND LITTER CONTROL

14.1 All trimmings, woodcuttings, trash, rubbish and debris shall be promptly removed and disposed by Contractor from the site during regular work schedule. All areas shall remain free of trash and debris.

14.2 All lawns, ground cover areas, areas around shrubs and trees next to buildings, fences, benches, sidewalks, tot lots, curbs and gutters shall be kept free from weeds, litter, rocks, glass and debris.

14.3 All cracks in sidewalks, curbs, street gutters and other areas shall be kept weeded.

14.4 Any eroded City right of ways, parking lots, trails, native and non native landscape, etcetera, shall be repaired by the replacement of same type of eroded material to bring them back to original condition and grade by the contractor.

15 DAILY LITTER AND TRASH CLEANUP

The following tasks shall be performed at all city park sites five (5) days per week, Monday through Friday.

15.1 Areas shall be policed and cleaned of debris and litter by the contractor daily. All hazards, potential hazards and damaged areas must be reported to the Director immediately.

15.2 Trash receptacles provided by the City and located at various sites shall be emptied daily. All trash, litter and debris collected from the park will be disposed of appropriately. Trash receptacles will be emptied as scheduled with clean liners provided. A three cubic yard dumpster will be provided by the City at Bluffs, Charmlee and Equestrian Parks for the disposal of normal trash and debris that will be emptied weekly at the City's expense. Large objects or excessive amounts of trash shall be removed by the contractor and disposed of in compliance with local ordinance. All green waste will be removed by the contractor for proper disposal and recycling.

15.3 Sidewalks and paved areas shall be swept and cleaned of any dirt or debris daily.

16 RUNOFF MITIGATION CONTROLS

16.1 Runoff containing sediment, vegetation, construction waste, and other pollutants from landscape sites, public right of ways and parking areas shall be retained and controlled on site to the maximum extent practicable.

16.2 Any sediment or other materials which are released from the site shall be removed and properly disposed of the same day or as soon as practicable. Where determined necessary by the Director of Public Works or his or her designated representative, a temporary sediment barrier shall be installed.

16.3 Excavated soil located on site shall be controlled using best management practices to eliminate any material or sediment from running into the street or adjoining properties.

16.4 Wash downs of trucks or other equipment is prohibited.

17 ADDITIONAL WORK

17.1 In the event that the City of Malibu should require additional work beyond the demands of these specifications, the contractor shall perform all work at competitive predetermined price.

17.2 The contractor must be willing to provide a competitive price for additional areas that may be developed and clearly demonstrate the ability to properly maintain the expanded project.

17.3 The contractor should be prepared to provide extra manpower, trucks and equipment upon request by City representatives. Contractor must have the ability to receive and respond to emergency situations and must respond to call-outs within ninety (90) minutes.

17.4 The City of Malibu shall have the right to inspect all books and records pertaining to the contractor's charges to the City of Malibu.

18 CONTRACT PRICING AND ADJUSTMENTS

18.1 When due to weather, oversight or any other reason, a section(s) is not maintained as agreed to; the City will deduct the amount bid for this section(s) from the regular payment. For this reason the contractor is encouraged to be careful when quoting each section on the Proposal Form.

18.2 The City reserves the right to reject any itemized bid in total if, in the opinion of the Director of Parks & Recreation, the price bid on any one or more individual section(s) appears to be in error, unreasonably out of line with the amount of work to be performed or may not be required.

SCOPE OF WORK
FOR
CUSTODIAL SERVICES AT MALIBU CITY PARKS

The City of Malibu Parks and Recreation Department is seeking custodial services for a community center building and restroom facilities at the following City park sites:

Malibu Bluffs Park	24250 Pacific Coast Highway
Malibu Equestrian Park	6225 Merritt Drive
Las Flores Creek Park	3805 Las Flores Creek Road
Trancas Canyon Park	5050 Trancas Canyon Road

The services include but are not limited to: cleaning, washing, emptying trash, and other services necessary to maintain and secure the facilities in operational condition. At a minimum, the services shall include daily, weekly, and seasonal cleaning, and maintenance schedules for the recreation center offices, activity room, lobby, kitchen, and restrooms. Preventive and miscellaneous maintenance shall be performed at a mutually agreed upon date and time. This includes but is not limited to reporting any broken, malfunctioning, or vandalized equipment, fixtures, or structures.

It is required that, after the first month of service, a formal inspection be performed by City representative(s) to establish an acceptable level of performance. After acceptance by the City, this level of service quality shall be maintained throughout the contract period.

The contractor shall provide all management, tools, equipment, supplies, materials, and labor necessary to ensure that custodial services are performed at the City of Malibu, Parks and Recreation facilities in a manner that will maintain a satisfactory condition and present a clean, neat, and professional appearance. All work shall be performed between 6:00 P.M. and 11:00 P.M. Sunday through Saturday including holidays with the exception of New Year's Day, Thanksgiving, and Christmas.

The successful proposer will be required to enter into a Professional Services Agreement (Attachment A) with the City of Malibu. The length of the Agreement will be for one year beginning April 1, 2016. The Agreement may be renewed, at the city's request, for up to three (3) one-year periods providing no requested annual price adjustment exceeds the Consumer Price Index (CPI-U) for all goods and services in the latest twelve (12) month period.

GENERAL DESCRIPTION OF WORK TO BE PERFORMED

Floors: All floors, except carpeted areas or area/throw rugs, shall be swept, dust mopped, damp mopped, wet mopped, and buffed, as needed, to ensure they have a uniform, glossy appearance and are free from dirt, debris, dust, scuff marks, heels marks, other stains and discoloration, and other foreign matter. Baseboards, corners, and wall/floor edges shall also be clean. All floor maintenance solutions shall be removed from baseboards, furniture, trash receptacles, etc. Chairs, trash receptacles, and other moveable items shall be moved to maintain floors beneath them. All moved items shall be returned to their original and proper position.

Carpeted Areas: After vacuuming, the carpeted area shall be free of all visible dirt, debris, litter, and other foreign matter. Any spots shall be removed by carpet manufacturer's approved methods as soon as noticed. Area and throw rugs are included to receive this service.

All carpets shall be cleaned in accordance with standard commercial practices. A heavy-duty spot remover may be required in heavily soiled areas. After shampooing, the carpeted area will be uniform in appearance and free of stains and discoloration. All cleaning solutions shall be removed from baseboards, furniture, trash receptacles, chairs, and other similar items. Chairs, trash receptacles, and other items shall be moved to clean carpets beneath them, then returned to their original location.

Hard Floors: Strip, scrub, seal, and wax floors as scheduled to maintain a uniform glossy appearance. A nonskid wax is required. A uniform glossy appearance is free of scuffmarks, heel marks, wax buildup, and other stains and discoloration.

Trash: All trash containers shall be emptied and returned to their initial location. Boxes, cans, or papers placed near a trash receptacle and marked "TRASH" shall be removed. Any obviously soiled or torn plastic receptacle liners shall be replaced. The trash shall be deposited in the dumpster located at the respective building complex. (The dumpster lids shall be closed to prevent access to animals.) Trash receptacles shall be left clean, free of foreign matter, and free of odors.

Interior Glass/Mirrors: Clean all interior glass, including glass in doors, partitions, walls, display cases, directory boards, etc. After glass cleaning, there shall be no traces of film, dirt, smudges, water, or other foreign matter.

Interior Windows/Doors: Clean glass surfaces. After surfaces have been cleaned, all traces of film, dirt, smudges, water, and other foreign matter shall be removed from frames, casings, sills, and glass.

Exterior Windows/Doors: Windows are the glass surfaces that are integral part of the outer wall of the building. Window screens shall be removed, cleaned, and replaced as needed. After window has been cleaned, exterior frames, casings, sills, and glass shall be free of all traces of film, dirt, smudges, water, and other foreign matter.

Drinking Fountains: Clean and disinfect all porcelain and polished metal surfaces, including orifices and drains, as well as exterior surfaces of the fountain. Drinking fountains shall be free from streaks, stains, spots, smudges, scale, foreign materials, and other obvious soil.

Spot Cleaning: Perform spot cleaning on a continual basis. Spot cleaning includes, but is not limited to removing, or cleaning smudges, fingerprints, marks, streaks, spills, etc., from washable surfaces of all walls, partitions, vents, grillwork, doors, door handles, push-bars, kick-plates, light switches, temperature controls, and fixtures. After spot cleaning, the surface shall have a clean, uniform appearance, free of streaks, spots, and other evidence of soil.

Dusting: All horizontal surfaces must be dusted or cleaned to eliminate dust collection.

Disinfect: Completely clean and disinfect all surfaces of sinks, toilet bowls, urinals, lavatories,

dispensers, plumbing fixtures, doors, walls, and other such surfaces using a germicidal detergent. After cleaning, receptacles will be free of deposits, dirt, streaks, and odors. Disinfect all surfaces of partitions, stalls, stall doors, entry doors (including handles, kick-plates, ventilation grates, metal guards, etc.), and wall areas adjacent to wall mounted lavatories, urinals, and toilets.

Toilet Bowls and Urinals: Descaling shall be performed to keep areas free of scale, soap films, and other deposits. After descaling, surfaces shall be free from streaks, stains, scale, scum, urine deposits, and rust stains.

Sinks: Descaling shall be performed to keep areas free of scale, soap films, and other deposits. After descaling, surfaces shall be free from streaks, stains, scale, scum, and rust stains.

Restroom Supplies: The contractor shall ensure restrooms are stocked sufficiently so that supplies do not run out.

SCHEDULE OF WORK TO BE PERFORMED

Michael Landon Center: Office, Meeting Rooms, Lobby, and Kitchen

Daily schedule:

1. Pick up litter, empty all trash containers, and replace container liners. Discard trash and recycling materials into approved trash bins.
2. Vacuum all carpeted floors and entry mats.
3. Wet mop floors, as needed, using a cleaning solution.
4. Spot clean carpets by hand, where needed, using appropriate carpet cleaner solution.
5. With wet sponge and appropriate cleaning solution, wipe down all kitchen surfaces, including refrigerator, stove, oven, and microwave.
6. Clean kitchen sink with cleanser.
7. Wash walls and doors, where needed, with wet sponge and cleaning solution.
8. Clean all interior glass, including glass in doors, with window cleaning solution.
9. Clean and disinfect drinking fountains. Report any leaks to Park Supervisor prior to the end of the day's work shift.
10. Restock all dispensers, including but not limited to paper towels, toilet paper, and hand soap.

Weekly schedule

1. Clean exercise mats with a wet sponge and cleaning solution.
2. After wet mopping, apply commercial non-skid floor wax finish restoring solution to floors. Buff lobby area, kitchen, and activity room floors using floor buffing machine.
3. Clean all exterior glass, including partitions, walls, display cases, directory boards with window cleaning solution.

Monthly schedule

1. Dust air vents and window blinds with a clean dry towel.
2. Clean exterior window frames, casings, and sills, with window cleaning solution.

Quarterly schedule

1. Steam clean the carpets, remove carpet stains, and apply stain repellent product, such as ScotchGard™.
2. Strip, wax, and buff floors in lobby, kitchen, and activity room.
3. Dust building fixtures, including but not limited to florescent lights, wall clocks, fire extinguishers and air vent ducts.
4. Clean and scrub all door thresholds.
5. Clean all door panic bar hardware with cleaning solution.

Malibu Bluffs Park & Michael Landon Center Restrooms

Daily schedule

1. Pick up litter, empty trash and sanitary napkin containers, and replace container liners. Discard trash into approved trash bins.
2. Wet mop floors using an approved detergent disinfectant.
3. Wet wash walls and ceiling, including tile and grout, with disinfectant solution and sponge.
4. Wash restroom stall partitions with disinfectant solution and sponge.
5. Remove graffiti with approved cleaning solution. If cleaning fails, notify the Park Supervisor prior to the end of the day's work shift.
6. Clean and disinfect all sinks and counters with wet sponge and cleanser.
7. Clean and disinfect commodes and areas around commodes.
8. Clean and disinfect urinals and areas around urinals.
9. Clean and disinfect all hand dryers, and soap and paper dispensers.
10. Restock all dispensers, including but not limited to toilet paper, paper towels, sanitary napkins, and soap.

Weekly schedule

1. Scrub floors and grout.
2. Clean out floor drains, as needed.

Quarterly schedule

1. Strip and seal floors and grout
2. Clean and scrub all door thresholds.
3. Clean walls and building fixtures, including light fixtures and air vents.
4. Descale toilets, urinals, and sinks.

Malibu Equestrian Park Restrooms

Daily schedule

1. Pick up litter, empty trash and sanitary napkin containers, and replace container liners. Discard trash into approved trash bins.
2. Wet mop floors using an approved detergent disinfectant.
3. Wet wash walls and ceiling, including tile and grout, with disinfectant solution and sponge.

4. Wash restroom stall partitions with disinfectant solution and sponge.
5. Remove graffiti with approved cleaning solution. If cleaning fails, notify the Park Supervisor prior to the end of the day's work shift.
6. Clean and disinfect all sinks and counters with wet sponge and cleanser.
7. Clean and disinfect commodes and areas around commodes.
8. Clean and disinfect urinals and areas around urinals.
9. Clean and disinfect all hand dryers, and soap and paper dispensers.
10. Restock all dispensers, including but not limited to toilet paper, paper towels, sanitary napkins, and soap.

Monthly schedule

1. Scrub floors and grout.
2. Clean out floor drains, as needed.

Quarterly schedule

1. Strip and seal floors and grout.
2. Clean and scrub all door thresholds.
3. Clean walls and building fixtures, including light fixtures and air vents.
4. Descale toilets, urinals, and sinks.

Las Flores Creek Park Restrooms

Daily schedule

1. Pick up litter, empty trash and sanitary napkin containers, and replace container liners. Discard trash into approved trash bins.
2. Wet mop floors using an approved detergent disinfectant.
3. Wet wash walls and ceiling, including tile and grout, with disinfectant solution and sponge.
4. Wash restroom stall partitions with disinfectant solution and sponge.
5. Remove graffiti with approved cleaning solution. If cleaning fails, notify the Park Supervisor prior to the end of the day's work shift.
6. Clean and disinfect all sinks and counters with wet sponge and cleanser.
7. Clean and disinfect commodes and areas around commodes.
8. Clean and disinfect urinals and areas around urinals.
9. Clean and disinfect all hand dryers, and soap and paper dispensers.
10. Restock all dispensers, including but not limited to toilet paper, paper towels, sanitary napkins, and soap.

Monthly schedule

1. Scrub floors and grout.
2. Clean out floor drains, as needed.

Quarterly schedule

1. Strip and seal floors and grout.
2. Clean and scrub all door thresholds.
3. Clean walls and building fixtures, including light fixtures and air vents.

4. Descale toilets, urinals, and sinks.

Trancas Canyon Park Restrooms

Daily schedule

1. Pick up litter, empty trash and sanitary napkin containers, and replace container liners.
2. Discard trash into approved trash bins.
3. Wet mop floors using an approved detergent disinfectant.
4. Wet wash walls and ceiling, including tile and grout, with disinfectant solution and sponge.
5. Wash restroom stall partitions with disinfectant solution and sponge.
6. Remove graffiti with approved cleaning solution. If cleaning fails, notify the Park Supervisor prior to the end of the day's work shift.
7. Clean and disinfect all sinks and counters with wet sponge and cleanser.
8. Clean and disinfect commodes and areas around commodes.
9. Clean and disinfect urinals and areas around urinals.
10. Clean and disinfect all hand dryers, and soap and paper dispensers.
11. Restock all dispensers, including but not limited to toilet paper, paper towels, sanitary napkins, and soap.

Monthly schedule

1. Scrub floors and grout.
2. Clean out floor drains, as needed.

Quarterly schedule

1. Strip and seal floors and grout.
2. Clean and scrub all door thresholds.
3. Clean walls and building fixtures, including light fixtures and air vents.
4. Descale toilets, urinals, and sinks.

GENERAL INFORMATION

Key Control: The contractor shall be responsible for all keys issued to the contractor by the City of Malibu. The contractor shall not duplicate any keys issued by the City of Malibu. In the event keys are lost, stolen, or duplicated the city may have the option to rekey the affected areas and deduct the cost from the monthly payment due to the contractor. The contractor shall prohibit use of keys by any persons other than contractor employees or permit entrance of persons other than contractor employees engaged in performance contract work requirements. Contractor agrees that failure to fully secure the facility can result in liquidated damages.

Security Requirements: **All doors, windows, and access gates must be secured by contractor at the end of each work shift.** All personnel employed by the contractor in performance of this agreement, or any representative of the contractor entering the city facilities, shall abide by all security regulations of the City of Malibu.

Physical Security: The contractor shall be responsible for safeguarding all city property provided for contractor use. At the end of each work shift, all city facilities, equipment, and materials shall be secured.

Quality Control: The contractor shall develop and maintain a quality program to ensure custodial services are performed in accordance with commonly accepted commercial practices. The contractor shall develop and implement procedures to identify, prevent, and ensure non-recurrence of defective services.

Quality Assurance: The City of Malibu's representative will inspect and monitor the contractor's performance.

Material Safety Data Sheets (MSDS) Information: All chemicals used in cleaning and maintenance of facilities are commercially approved with appropriate MSDS information, either screen printed on the individual container or identified clearly in the work area.

Miscellaneous Maintenance: Contractor shall report any broken, malfunctioning, or vandalized equipment or fixtures (including, but not limited to heating/air conditioning units, plumbing, electrical and to the City's Park Supervisor immediately by telephone. In the event the Park Supervisor is not available, Contractor shall leave a voice mail message on the Supervisor's work phone. This includes any graffiti applied to the interior or exterior of the facilities.

City Responsibility: City shall be responsible for providing toilet paper, paper towels, sanitary napkins, toilet seat covers, and trash can liners.

Contractor Responsibility: The contractor will provide their tools of the trade including but not limited to: commercial grade vacuum cleaner, carpet steam cleaner, floor scrubbing and floor buffing machines, etc. to maintain the facilities and perform services.

BEYOND PESTICIDES
701 E Street, SE ▪ Washington DC 20003
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October 20, 2015

Ms. Esther Barajas-Ochoa
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010

Re: Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrachlorvinphos, Parathion, Malathion, Glyphosate

Dear Ms. Barajas-Ochoa,

We are writing to support California's intention to list glyphosate and its salts as a chemical known to the state to cause cancer under Proposition 65. Beyond Pesticides is a national not-for-profit organization that works to advance improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on toxic pesticides. We are submitting these comments on behalf of our large membership in California.

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list glyphosate as a substance known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65. According to OEHHA, this action is being proposed pursuant to the Labor Code listing mechanism, which requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. OEHHA is requesting that comments be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen.

We believe glyphosate meets the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a) and 'Labor Code' section 6382(b)(1).[1] Glyphosate, the active ingredient in the popular Roundup, manufactured by Monsanto, is a herbicide that is widely used on agricultural and non-agricultural sites. It has been linked to numerous adverse human and environmental health issues.

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[1] OEHHA. 2015. Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrachlorvinphos, Parathion, Malathion, Glyphosate. Proposition 65. http://oehha.ca.gov/prop65/CRNR_notices/admin_listing/intent_to_list/090415LCset27.html

In March 2015, the World Health Organization's IARC found that there was *sufficient evidence of carcinogenicity* in experimental organisms to classify glyphosate as "probably carcinogenic to humans" (Group 2A).[2] IARC finds sufficient mechanistic evidence in animals for genotoxicity and oxidative stress. Based on the available scientific evidence, we believe IARC has appropriately identified glyphosate as a potential human or animal carcinogen, and should be listed under California's Proposition 65.

IARC Cancer Classification and Criteria:

Group 2A. IARC has a well-defined cancer classification scheme that takes into account available human and animal data. Substances can be placed in one of six groups; Group 1 "carcinogenic to humans," Group 2A "probably carcinogenic," Group 2B "possibly carcinogenic," Group 3 "not classifiable as to its carcinogenicity," and Group 4 "probably not carcinogenic."[3]

Accordingly, Group 2A, "probably carcinogenic to humans," is used when there is *limited evidence of carcinogenicity in humans and sufficient evidence of carcinogenicity in experimental animals.* In some cases, a substance may be classified in this category when there is *inadequate evidence of carcinogenicity* in humans and ***sufficient evidence of carcinogenicity in experimental animals and strong evidence that the carcinogenesis is mediated by a mechanism that also operates in humans***. A substance may be classified in this category solely on the basis of *limited evidence of carcinogenicity* in humans. A substance may also be assigned to this category if it clearly belongs, based on mechanistic considerations, to a class of agents for which one or more members have been classified in Group 1 or Group 2A.

For IARC, *sufficient evidence of carcinogenicity* is defined as where a *causal relationship has been established between the agent and human cancer.* That is, *a positive relationship has been observed between the exposure and cancer in studies* in which chance, bias and confounding could be ruled out with reasonable confidence. For experimental animal data, *a causal relationship is established between the substance and an increased incidence of malignant tumors/abnormal growth (neoplasms) or of an appropriate combination of benign and malignant neoplasms* in, (a) two or more species of animals, or (b) two or more independent studies in one species carried out at different times or in different laboratories or under different protocols. An increased incidence of tumors in both sexes of a single species in a well-conducted study, ideally conducted under Good Laboratory Practices, can also provide *sufficient evidence*. A single study in one species and sex might be considered to provide *sufficient evidence of carcinogenicity* when malignant neoplasms occur to an unusual degree

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[2] IARC. IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides. 20 march 2015. http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf

[3] IARC. Preamble: IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. World Health Organization (WHO) 2006. http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf

with regard to incidence, site, type of tumor or age at onset, or when there are strong findings of tumors at multiple sites.

Mechanistic evidence. Mechanistic and other relevant data may provide evidence of carcinogenicity and also help in assessing the relevance and importance of findings of cancer in animals and in humans. Specifically, IARC may identify the possible mechanisms by which the substance may increase the risk of cancer that can include (i) changes in physiology, (ii) changes at the cellular level, and (iii) changes at the molecular level (including genotoxicity). IARC then assesses whether that particular mechanism is likely to be operative in humans.

With these in mind, IARC concluded, "there is sufficient evidence of carcinogenicity in experimental animals. Glyphosate also caused DNA and chromosomal damage in human cells, although it gave negative results in tests using bacteria. One study in community residents reported increases in blood markers of chromosomal damage (micronuclei) after glyphosate formulations were sprayed nearby."[4] Specifically, IARC's review of glyphosate's data states,

> "In male CD-1 mice, *glyphosate induced a positive trend in the incidence of a rare tumor, renal tubule carcinoma. A second study reported a positive trend for haemangiosarcoma in male mice. Glyphosate increased pancreatic islet-cell adenoma in male rats in two studies. A glyphosate formulation promoted skin tumors in an initiation-promotion study in mice. Glyphosate has been detected in the blood and urine of agricultural workers, indicating absorption. Soil microbes degrade glyphosate to aminomethylphosphoric acid (AMPA). Blood AMPA detection after poisonings suggests intestinal microbial metabolism in humans. Glyphosate and glyphosate formulations induced DNA and chromosomal damage in mammals, and in human and animal cells in vitro. One study reported increases in blood markers of chromosomal damage (micronuclei) in residents of several communities after spraying of glyphosate formulations.Bacterial mutagenesis tests were negative. Glyphosate, glyphosate formulations, and AMPA induced oxidative stress in rodents and in vitro."*[5]

We support OEHHA's listing of glyphosate as a substance known to the state to cause cancer based on IARC's classification. Additionally, although not requested by OEHHA, there is a growing body of science that finds that glyphosate can cause serious adverse effects in humans. One recent study finds that low dose exposure of glyphosate leads to changes in gene expression associated with organ damage (liver, kidney) observed in the rats.[6] A paper by scientists at Massachusetts Institute of Technology (MIT), examining the toxic effects of glyphosate, links the herbicide to a wide range of diseases and suggests that more research is

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[4] Ref #2
[5] Guyton, K, Loomis Dana, Grosse, Y, et al. 2015. Carcinogenicity of tetrachlorvinphos, parathion, malathion, diazinon, and glyphosate. The Lancet Oncology. 16(5):490-491.
[6] Mesnage R, Arno, M, Costanzo M, et al. 2015. Transcriptome profile analysis reflects rat liver and kidney damage following chronic ultra-low dose Roundup exposure. *Environ Health.* 14:70

needed.[7] Here the scientists argue that glyphosate's inhibition of cytochrome P450 (CYP) enzymes is an overlooked component of its toxicity to mammals.

A 2013 study entitled, "Glyphosate induces human breast cancer cells growth via estrogen receptors," finds that low and environmentally relevant concentrations of glyphosate possess estrogenic activity.[8] Glyphosate, in another study, was observed to promote hematological and hepatic alterations, even at sub-acute exposure.[9] In 2002, a study of Swedish men showed that glyphosate exposure was *significantly* associated with an increased risk of Non-Hodgkin's lymphoma (NHL), and hairy cell leukemia, a rare subtype of NHL.[10] Further, a 2003 review of studies conducted on farmers by researchers at the National Cancer Institute shows that exposure to glyphosate is associated with an increased incidence of NHL.[11] Additionally, formulated glyphosate products, which include the surfactant polyethoxylated tallowamine (POEA), have been found to be more toxic than glyphosate itself. Glyphosate formulated products kill human cells, particularly embryonic, placental and umbilical cord cells, even at very low concentrations, according to another study.[12] Other studies have found that the formulated glyphosate products reduces human placental JEG3 cell viability at least two times more efficiently than glyphosate, disrupts aromatase activity and mRNA levels,[13] induce a dose-dependent formation of DNA adducts in the kidneys and liver of mice[14] (a process that can lead to carcinogenesis), and induce developmental retardation of the fetal skeleton, a decrease in sperm number and increase in the percentage of abnormal sperms.[15]

We look forward to glyphosate inclusion under Proposition 65 and welcome any further questions relating to glyphosate's toxicity.

Respectfully,

Nichelle Harriott

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[7] Samsel A, Seneff S. Glyphosate's Suppression of Cytochrome P450 Enzymes and Amino Acid Biosynthesis by the Gut Microbiome: Pathways to Modern Diseases. *Entropy*. 2013; 15(4):1416-1463.
[8] Thongprakaisang S, Thiantanawat A, et al. 2013. Glyphosate induces human breast cancer cells growth via estrogen receptors. Food Chem Toxicol. pii: S0278-6915(13)00363-3. doi: 10.1016/j.fct.2013.05.057.
[9] Jasper R, et al. 2012. Evaluation of biochemical, hematological and oxidative parameters in mice exposed to the herbicide glyphosate-Roundup(®). Interdiscip Toxicol. 5(3):133-40
[10] Hardell L, Eriksson M, & Nordstrom M. 2002. Exposure to pesticides as risk factor for non-Hodgkin's lymphoma and hairy cell leukemia: pooled analysis of two Swedish case-control studies. *Leuk Lymphoma*, 43(5), 1043-1049.
[11] De Roos, et al. 2003. Integrative assessment of multiple pesticides as risk factors for non-Hodgkin's lymphoma among men. *Occup Environ Med*, 60(9).
[12] Benachour, N., & Seralini, G.-E. 2008. Glyphosate Formulations Induce Apoptosis and Necrosis in Human Umbilical, Embryonic, and Placental Cells. *Chemical Research in Toxicology*, 22(1), 97-105.
[13] Richard S, Moslemi S, Sipahutar H, Benachour N, & Seralini GE. 2005. Differential effects of glyphosate and roundup on human placental cells and aromatase. *Environ Health Perspect*, 113(6), 716-720.
[14] Marco, P., Armelle, M., Claudia, B., & Silvio, P. 1998. ^{32}P-postlabeling detection of DNA adducts in mice treated with the herbicide roundup. *Environmental and Molecular Mutagenesis*, 31(1), 55-59.
[15] Dallegrave, E., et al. 2003. The teratogenic potential of the herbicide glyphosate-Roundup® in Wistar rats. *Toxicology Letters*, 142(1-2), 45-52.; Dallegrave, E., et al. (2007). Pre- and postnatal toxicity of the commercial glyphosate formulation in Wistar rats. *Arch Toxicol*, 81(9), 665-673.

Science and Regulatory Director

BEFORE

THE STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (Cal/EPA)

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT (OEHHA)

COMMENTS OF MONSANTO COMPANY

ON

OEHHA'S SEPTEMBER 4, 2015 NOTICE OF INTENT TO LIST GLYPHOSATE

October 20, 2015

Table of Contents

1.0 Glyphosate Should Not Be Listed Under Proposition 65.

On September 4, 2015, California's Office of Environmental Health Hazard Assessment (OEHHA) provided notice of intent to list the herbicide glyphosate as known to the state of California to cause cancer under the state's Safe Drinking Water and Toxic Enforcement Act of 1985 (Proposition 65). This action is unsupported by science, law, and policy. Following multiple intensive reviews of the unusually large dossier of studies on glyphosate, no regulatory authority in the world has ever determined that glyphosate causes cancer. Indeed, OEHHA itself has closely reviewed the science and concluded: "Based on the weight of evidence, glyphosate is judged unlikely to pose a cancer hazard to humans."[1] If anything, glyphosate is known to the state of California **not** to cause cancer. OEHHA should withdraw its September 4, 2015 notice and should not list glyphosate under Proposition 65.

The notice states that OEHHA has determined that glyphosate and three other herbicides meet the criteria for listing by the so-called Labor Code listing mechanism based on the actions of the International Agency for Research on Cancer (IARC).[2] OEHHA asserts that these are "ministerial listings" and that all comments should therefore be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. OEHHA also asserts that it "cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted."

As a leading manufacturer of glyphosate, Monsanto Company (Monsanto) cannot accept this limitation on the content of its comments and believes it would be both irresponsible and unlawful for OEHHA to ignore such comments. Global regulatory authorities and independent experts all agree that glyphosate is not carcinogenic. Indeed, OEHHA itself, after reviewing the very same scientific data on animal carcinogenicity considered by IARC, concluded in 2007 that glyphosate is unlikely to pose a cancer hazard to humans. A refusal by OEHHA to consider comments concerning the weight of the scientific evidence, notwithstanding its own assessment in 2007 that glyphosate is unlikely to be a carcinogen, would be unreasonable and unlawful.

Further, OEHHA's implementation of the Labor Code listing mechanism grants enormous authority -- rulemaking authority -- to a foreign entity that is not under the control of any California state entity and that can make decisions without any due process safeguards, in violation of the United States and California Constitutions as well as well-established principles of government and public policy. Specifically, with respect to the proposed listing of glyphosate, OEHHA's policy will cause the agency to overlook errors in IARC's process and flaws in the faulty document that served as the primary scientific basis for IARC's review of animal carcinogenicity, which was the main factor in its classification decision.

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[1] OEHHA, Public Health Goals for Chemicals in Drinking Water: Glyphosate (June 2007) ("OEHHA Assessment"), page 1, *available at* http://oehha.ca.gov/water/phg/pdf/GlyPHG062907.pdf (last visited October 2015).

[2] More specifically, OEHHA has stated that it is relying on the following documents published by IARC: "Agents classified by the IARC Monographs, Volume 1-112" (IARC, 2015a); and the glyphosate monograph in Volume 112 of the IARC Monographs series (IARC, 2015b). OEHHA further stated that IARC concluded that glyphosate is classified in Group 2A ("probably carcinogenic to humans") and that there is sufficient evidence of carcinogenicity in experimental animals for glyphosate (Guyton et al., 2015 IARC, 2015a & b), *available at* http://oehha.ca.gov/prop65/CRNR_notices/admin_listing/intent_to_list/090415LCset27.html (last visited October 2015).

As discussed below, OEHHA can only implement Proposition 65 consistent with law and with sound public policy by reviewing these errors and withdrawing the proposed listing of glyphosate.

2.0 Glyphosate Is Widely Used, Has a Long History of Safe Use, and Is Economically and Environmentally Beneficial to California.

Glyphosate was first commercialized as an herbicide in 1974. It is a non-selective, foliar acting, translocated herbicide. It is absorbed by green leaves and stems and transported within the plant to the growing points in shoots and roots. There, glyphosate blocks the activity of the enzyme 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS)—an enzyme found only in plants and some microorganisms.[3] Inhibition of this enzyme prevents the plant from synthesizing the aromatic amino acids essential for protein synthesis and plant growth. Glyphosate has extremely low volatility, meaning it is highly unlikely to move off-site as a vapor to damage off-site vegetation during application. After application, glyphosate binds very tightly to most soils and sediments in the environment. Because of its strong soil-binding properties in most soils, glyphosate is not available for uptake by roots of nearby plants. As a result, glyphosate poses negligible risk to non-target plants with unexposed roots in the application zone and exhibits limited movement through the soil, reducing the risk of movement into groundwater.

Since being first introduced in 1974, glyphosate "has become the world's most widely used herbicide because it is efficacious, economical and environmentally benign."[4] It is marketed under a number of trade names, both by Monsanto and others, in various herbicide products and is registered in more than 160 countries. Glyphosate is a highly effective active ingredient controlling a wide range of weeds. A plethora of uses has been developed to manage unwanted vegetation either overall or by selective application to protect desirable vegetation. It is important to both the California agricultural economy and the efficient use of public agencies' budgets in California. Indeed, glyphosate is approved for use in more than 250 agricultural crop applications in California, as well as in weed control applications in non-cultivated settings. No other active ingredient compares in terms of number of approved uses.

- Glyphosate-based herbicides are used in agricultural applications, for example, because they offer a simple, cost-effective way to control weeds that can otherwise persist for years. Additionally, their broad-spectrum effectiveness allows farmers to control weeds with minimal tilling of the soil, a practice known as conservation tillage. This conserves valuable topsoil, reduces soil movement into streams and other surface water, helps retain soil moisture, and reduces trips across farm fields, conserving time and fuel.

- In addition to agricultural uses, herbicides containing glyphosate are used to control vegetation in utility rights-of-way, on roadsides, along railways or in places around the home such as

[3] Franz, J. E. , Mao, M. K., Sikorski, J. A. (1997). Glyphosate: A Unique Global Herbicide, ACS Monograph No. 189. American Chemical Society, Washington, DC. Among other awards, John E. Franz received the 1987 National Medal of Technology, the highest honor in the United States for technological achievement, bestowed by the President of the United States for outstanding contributions to America's economic, environmental and social well-being, for the discovery of glyphosate.

[4] Powles S B, 2008. Evolved glyphosate-resistant weeds around the world: lessons to be learnt. Pest Management Science. 64:360-365, *available at* http://onlinelibrary.wiley.com/doi/10.1002/ps.1525/epdf (last visited October 2015).

sidewalks and gardens. Herbicides containing glyphosate are also used by wildlife organizations to protect and restore wildlife habitats threatened by invasive, non-native vegetation. For example, a Monsanto glyphosate-based herbicide was selected to control *arundo donax* (giant reed) in the Central River Valley and the San Francisco Bay area. This highly invasive weed threatens California's riparian ecosystems by outcompeting native species, such as willows, for water.

- Some glyphosate-based herbicides are approved for vegetation control in aquatic environments, including ponds and reservoirs, waterfowl sanctuaries, and recreational waterways. Very few herbicides have such favorable toxicological and environmental characteristics that allow them to be directly applied to aquatic vegetation, and conservation groups have chosen glyphosate-based formulations for these reasons.[5] As noted above, glyphosate-based herbicides have been used in California to control *arundo donax*, an invasive weed known to clog rivers, streams and flood control channels. Glyphosate is also used for many other difficult to control aquatic weeds in California, including cattails, bulrush, water primrose and water hyacinth.

- By using glyphosate-based herbicides, growers of tree, nut and vine crops, as well as industrial and aquatic vegetation managers, can avoid mechanical and labor intensive methods of weed removal to protect these high-value crops. Further, ditch banks, steep hillsides and many non-crop areas are not accessible with mechanical means such as heavy equipment or mowers, and use of glyphosate reduces the risk of injury for workers who otherwise must frequently re-enter the area to maintain mechanical control of tall-growing vegetation.

- All municipal, county, and state government agencies in California have limited budgets for vegetation management, and glyphosate-based herbicides have helped these agencies use their budgets effectively on behalf of taxpayers and ratepayers. Use of such herbicides reduces the cost and labor resources needed to control weedy vegetation in a timely manner to protect infrastructure, water flow, irrigation, and public safety and health from the negative impacts of uncontrolled weedy vegetation.

- As the amount of uncontrolled vegetation increases, there is an increase in the amount of dry fuel which aids in the rapid spread of wildfires during drought and California's arid summer months. Glyphosate is widely used by government agencies in California to control vegetation and establish fire breaks during the wet months of the year. This integrated approach to vegetation management with glyphosate helps municipalities and other government agencies

[5] Glyphosate has undergone extensive toxicological, ecotoxicology and environmental testing over the last 40 years to acquire global regulatory approvals. This testing has shown that glyphosate does not produce acute or chronic toxicity to higher organisms including wild mammals, birds, fish, aquatic invertebrates, and terrestrial invertebrates such as earthworms and honeybees at environmentally realistic exposure levels. It also has shown that glyphosate-based formulations, when used according to label directions, do not cause unacceptable adverse effects to wildlife and that glyphosate showed no effects on soil biomass or microbial respiration. Giesy, J.P. et al., (2000). Ecotoxicological risk assessment for Roundup® herbicide. *Rev. Environ. Contam. Toxicol.* 167:35-120, *available at* http://www.usask.ca/toxicology/jgiesy/pdf/publications/JA-228.pdf (last visited October 2015); Hart, M.R. et al., (1996). Soil microbial biomass and mineralization of soil organic matter after 19 years of cumulative field applications of pesticides. *Soil Biol. Biochem.* 28:1641–1649, *available at* http://www.sciencedirect.com/science/article/pii/S0038071796002490 (last visited October 2015).

protect valuable resources, property and the public from the uncontrolled spread of wildfires in California.

Many of the glyphosate uses are on municipal property, and many municipalities prohibit the use of Proposition 65 listed chemicals. Fundamentally, if glyphosate is de-selected due to its listing under Proposition 65 (due to municipal prohibitions or unfounded concerns about its carcinogenicity), farmers and public agencies will be forced to utilize mechanical means with dramatically increased costs, safety concerns, and risks to the environment.

3.0 No Regulatory Agency Considers Glyphosate To Be A Carcinogen.

Glyphosate has been the subject of hundreds of toxicological, ecotoxicological, and environmental studies during its nearly 40 years of use. Because glyphosate products are used in so many different ways (agriculture, ornamental, aquatics, wildlife habitat, residential, etc.), glyphosate is perhaps the most studied of any herbicide molecule. Many scientists – from industry, governmental agencies, universities, and independent institutions – have conducted experiments, laboratory studies and field research with glyphosate herbicides.

To get a clear picture of the environmental and toxicological characteristics of glyphosate, it is important to consider the total weight of evidence provided by this extensive body of research. The U.S. Environmental Protection Agency (EPA), the European Commission (EC), the Health Canada Pest Management Regulatory Agency (PMRA), and many other regulatory bodies and science organizations, including programs under the World Health Organization (WHO), have reviewed this data. Their overwhelming consensus is that there is no evidence that glyphosate causes cancer, even at very high doses, and that it is not genotoxic.[6] Most recently, and after IARC's classification of glyphosate, Germany, as the 'Rapporteur Member State' for glyphosate within the framework of EU re-evaluation, assessed glyphosate as non-carcinogenic.[7]

Furthermore, IARC is one of four programs within the WHO that have reviewed the safety of glyphosate, and the IARC classification is inconsistent with the assessments of the other programs. Two of the WHO programs (the Core Assessment Group of Joint Meeting on Pesticides Residues—"JMPR"—and the International Programme on Chemical Safety) previously concluded glyphosate is not carcinogenic.[8] WHO Guidelines for Drinking-Water Quality concluded glyphosate does not represent a hazard to human health.[9]

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[6] Appendix 1 provides details on the national regulatory reviews and conclusions of Australia, Canada, Japan, Germany (on behalf of the EU), and the United States, as well as other programs within the WHO.

[7] Germany Federal Institute for Risk Assessment. Does Glyphosate Cause Cancer? (2015), *available at* http://www.bfr.bund.de/cm/349/does-glyphosate-cause-cancer.pdf (last visited October 2015).

[8] JMPR (WHO/FAO). Pesticide Residues in Food. Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group. Part II-Toxicology, Glyphosate: 96-169. Rome, Italy 20-29 September (2004), *available at* http://whqlibdoc.who.int/publications/2006/9241665203_eng.pdf?ua=1 (last visited October 2015);
WHO International Programme on Chemical Safety Environmental Health Criteria No. 159: Glyphosate. World Health Organization, Geneva. (1994), *available at* http://www.inchem.org/documents/ehc/ehc/ehc159.htm (last visited October 2015).

[9] WHO, Guidelines for Drinking-water Quality, 4th edition (2011), p. 374, a*vailable at* http://apps.who.int/iris/bitstream/10665/44584/1/9789241548151_eng.pdf (last visited October 2015);

In fact, as shown in the following table, 17 reviews by regulatory bodies and associated WHO programs have considered the same studies that IARC relied on, and each has come to the opposite conclusion -- that the four long-term carcinogenicity studies of glyphosate do not show that the small number of tumors identified in the rodents subjected to treatment with glyphosate were related to glyphosate. These four studies are shown in the table as:

1. **MON Mouse**: Knezevich, A.L. & Hogan, G.K. (1983). A chronic feeding study of glyphosate (Roundup Technical) in mice. [cited by IARC as EPA (1985a, b, 1986)]
2. **MON Rat 1**: Lankas, G.R. & Hogan, G.K. (1981). A lifetime study of glyphosate (Roundup Technical) in rats. [cited by IARC as (EPA, 1991a, b, c, d)]
3. **MON Rat 2**: Stout, L.D. & Ruecker, F.A. (1990). Chronic study of glyphosate administered in feed to albino rats. [cited by IARC as (EPA, 1991a, b, c, d)]
4. **CHEM Mouse**: Atkinson, C., et al. (1993). Glyphosate: 104 week dietary carcinogenicity study in mice. [cited by IARC as (JMPR, 2006)]

Date	Entity Considering Whether Tumors Are Related to Treatment	Tumors Related to Treatment?			
		MON Mouse	MON Rat 1	MON Rat 2	CHEM Mouse
1987	WHO/JMPR	No	No	-	-
1991	US EPA Cancer Classification	No	No	No	-
1991	Canada PMRA	No	No	No	-
1993	US EPA RED	No	No	No	-
1994	WHO/IPCS	No	No	No	-
1999	Japan FCS	No	No	No	-
2000	FAO Specifications	No	No	No	-
2002	EU Annex I	No	No	No	No
2004	WHO/JMPR	-	-	No	No
2005	WHO/Water Sanitation Health	No	No	No	-
2007	OEHHA	No	No	No	No

Glyphosate and AMPA in Drinking-water Background document for development of WHO Guidelines for Drinking-water Quality. (2005), *available at* http://www.who.int/water_sanitation_health/dwq/chemicals/glyphosateampa290605.pdf (last visited October 2015).

Date	Entity Considering Whether Tumors Are Related to Treatment	Tumors Related to Treatment?			
		MON Mouse	MON Rat 1	MON Rat 2	CHEM Mouse
2008	US EPA Effects Determination	No	-	No	-
2010	Japan FCS	No	No	No	-
2012	US EPA Human Health Risk Assessment	No	No	No	-
2013	Australia	No	No	No	No
2015	EU Annex I Renewal (BFR)	No	No	No	No
2015	Canada PMRA Registration Rev	No	No	No	No
2015	US EPA Registration Rev	-	-	-	-
2015	WHO/IARC	Yes	Yes	Yes	Yes

The consistent opinion of these entities, spanning reviews for over 20 years, is that glyphosate is not carcinogenic. It is clear that the outlier among these entities is IARC.

4.0 OEHHA Itself Does Not Consider Glyphosate To Be A Carcinogen.

In 2007, OEHHA conducted a risk assessment of glyphosate for purposes of setting a Public Health Goal (PHG) for glyphosate in drinking water.[10] As part of that assessment, OEHHA evaluated the carcinogenicity of glyphosate using the "best available toxicological data in the scientific literature" and concluded: "Based on the weight of evidence, glyphosate is judged unlikely to pose a cancer hazard to humans."[11] OEHHA's proposal to list glyphosate as known to the state of California to cause cancer, notwithstanding the Agency's own determination in 2007 that glyphosate is unlikely to be a carcinogen, makes no sense. It is troubling (and, as discussed below, unlawful) for OEHHA to ignore its own careful analysis and allow an unrepresentative group of scientists, acting under the aegis of a foreign body and relying on selective studies and ignoring the full body of evidence, to overrule the determination of California's designated scientific officials.

Notably, OEHHA, in finding glyphosate *not* to be a carcinogen, considered the very same scientific studies that IARC relied upon in reaching the conclusion that there is "sufficient evidence" in experimental animals for the carcinogenicity of glyphosate. Specifically, IARC made the following findings with respect to the animal carcinogenicity data: (i) "[t]here was a positive trend in the incidence of renal tubule carcinoma and of renal tubule adenoma or carcinoma (combined) in males in one feeding study in CD-1 mice"; (ii) "there was a significant positive trend in the incidence of

[10] OEHHA, Public Health Goals for Chemicals in Drinking Water: Glyphosate (June 2007) ("OEHHA Assessment"), *available at* http://oehha.ca.gov/water/phg/pdf/GlyPHG062907.pdf (last visited October 2015).
[11] OEHHA Assessment, page 1.

haemangiosarcoma in male CD-1 mice" in a second feeding study of mice; and (iii) two studies in rats "showed a significant increase in the incidence of pancreatic islet cell adenoma in males."[12] As described below, each of these studies — two in mice and two in rats — also was reviewed by OEHHA in its 2007 assessment of glyphosate.

- Renal Tubule Carcinoma/Adenoma. IARC cited a 1983 study—Knezevich A, Hogan G (1983)[13] — for its finding that "[t]here was a positive trend in the incidence of renal tubule carcinoma and of renal tubule adenoma or carcinoma (combined) in males in one feeding study in CD-1 mice."[14] OEHHA evaluated this same study (referenced by OEHHA as Bio/Dynamics, Inc. (1983)), but, in contrast to IARC, did not find the data to support a finding of carcinogenicity. OEHHA noted, for example, that "[a]fter reviewing the data, the FIFRA Scientific Advisory Panel noted that age-adjusted tumor incidence data did not demonstrate a statistically significant increase based on concurrent controls. . . ."[15]

- Haemangiosarcoma. IARC cited a single study discussed in a 2004 Joint FAO/WHO Meeting on Pesticide Residues ("JMPR") report[16] for its finding that "there was a significant positive trend in the incidence of haemangiosarcoma in male CD-1 mice."[17] OEHHA also cited the JMPR report, but reached a different conclusion, stating: "In its 2004 review of the toxicity of glyphosate, WHO (2004) found the chemical has no genotoxic potential and there is no evidence of carcinogenicity in rats or mice."[18] And indeed, OEHHA's conclusion in 2007 was supported by the findings of the JMPR report, which stated in regard to the relevant study that the "administration of glyphosate to CD-1 mice for 104 weeks produced no signs of carcinogenic potential at any dose."[19]

- Pancreatic Islet Cell Adenoma. IARC cited two studies in rats—Stout & Ruecker (1990) and Lankas (1981)[20]—for its finding that there was an "increase in the incidence of pancreatic islet cell adenoma in male[]" rats.[21] OEHHA reviewed these same studies (referenced by OEHHA as Monsanto, 1990c and Bio/Dynamics, Inc., 1981a/Monsanto, 1984) and did not find sufficient evidence of an increased incidence of pancreatic islet cell adenoma.

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[12] IARC Monograph Vol. 112, page 76 (summary of animal carcinogenicity data), *available at* http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-02.pdf (last visited October 2015).

[13] EPA (1983). Review of Knezevich A, Hogan G (1983). A chronic feeding study of glyphosate (Roundup Technical) in mice.

[14] IARC Monograph Vol. 112, pages 30, 76 [cited by IARC as EPA (1985a, b, 1986)].

[15] OEHHA Assessment, page 13.

[16] JMPR (WHO/FAO). Pesticide Residues in Food. Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group. Part II-Toxicology, Glyphosate: 96-169. Rome, Italy 20-29 September (2004), page 122, *available at* http://whqlibdoc.who.int/publications/2006/9241665203_eng.pdf?ua=1 (last visited October 2015). The study cited therein is Atkinson, C., et al. (1993). Glyphosate: 104 week dietary carcinogenicity study in mice.

[17] IARC Monograph Vol. 112, pages 33, 76, *available at* http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-02.pdf (last visited October 2015).

[18] OEHHA Assessment pages 20, *available at* http://oehha.ca.gov/water/phg/pdf/GlyPHG062907.pdf (last visited October 2015).

[19] JPMR (2004), page 122.

[20] IARC cited a series of US EPA reviews (EPA, 1991a, b, c, d) on the toxicity/carcinogenicity of glyphosate that addressed these two studies, Monograph Vol. 112, page 36.

[21] IARC Monograph Vol. 112, pages 36, 40, 76.

In other words, OEHHA, the "lead state agency for the assessment of health risks posed by environmental contaminants,"[22] reviewed the exact same set of animal studies relied upon by IARC and determined that glyphosate is **not** likely to be a carcinogen. OEHHA's proposal to list glyphosate as known to the state of California to cause cancer, notwithstanding the Agency's own assessment that glyphosate is not likely carcinogenic, reflects a disregard for principles of good government and sound public policy.

5.0 IARC's Classification Contradicts Sound Science.

The IARC Category 2A classification is not supported by the scientific data and standard scientific methodology. It is imperative for society that conclusions about a matter as important as safety (food, applicators, consumers, etc.) should be objective, thorough and based on quality science that adheres to internationally recognized standards. IARC's review of glyphosate does not meet the quality standards used by regulatory authorities around the world, and IARC's misclassification should not be used by OEHHA to list glyphosate under OEHHA's interpretation of Proposition 65.

IARC's monograph does not present new research or data. The IARC monograph is not a 'study'. The key studies considered by IARC in their monograph have been recently reviewed in 2015 in a more comprehensive toxicology assessment by the EU Rapporteur Member State and the Canadian PMRA for the re-registration processes in the EU and Canada respectively, neither of which found glyphosate to pose a carcinogenic risk.

Unlike regulatory agencies, IARC did not conduct a total weight-of evidence evaluation or follow standard toxicological practice and evaluation frameworks.[23] It is clear from the references listed in the Monograph that the information actually selected for consideration by the panel represents only a subset of the vast dataset available on glyphosate. Consideration of the complete dataset, as is done by regulators globally, overwhelmingly supports the conclusions of safety and lack of carcinogenic potential of glyphosate.

The IARC panel did not conduct an overall evaluation of all data; instead it conducted an evaluation of selected studies, selected data points, and IARC's interpretation of the data within each of the four areas of evidence the panel considered (animal carcinogenicity, exposure, genotoxicity, and epidemiology). This is in striking contrast to regulatory authorities, other WHO programs, independent experts and even the authors themselves of the studies used by IARC in the assessment. Highlighted below are some key examples of IARC's surprising conclusions (a full analysis by Dr. Donna Farmer is submitted herewith and incorporated herein):

- *Animal carcinogenicity*: In reaching its conclusion of "sufficient evidence" of carcinogenicity in animals, the IARC panel reinterpreted isolated findings of tumor incidences in particular studies,

[22] OEHHA Website, OEHHA Department Description, *available at* www.oehha.ca.gov/about/description.html, (last visited October 2015).

[23] Adami H.O. et al., (2011). Toxicology and epidemiology: improving the science with a framework for combining toxicological and epidemiological evidence to establish causal inference. *Toxicol. Sci.* 122(2):223-34, *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3155086/, (last visited October 2015); Lewis R.W. et al., (2002). Recognition of Adverse and Nonadverse Effects in Toxicity Studies. *Toxicol. Pathol.*, vol 30, no 1, pp 66–74, *available at* http://mysop.washington.edu/images/stories/pharmaceutics/restricted/PCEUT587/587-article-2.pdf (last visited October 2015).

focusing on numerical increases in tumor incidence in treatment groups, but ignoring the lack of a dose-response, background tumor incidences in historical control animals, and pathology expert opinions -- all of which typically provide context to toxicologists in their assessment of whether there is a possible relationship to treatment. IARC's approach is non-standard and at odds with basic toxicological practices. Other experts and regulators have long concluded that the isolated tumors discussed by IARC were spontaneous and not related to glyphosate treatment. Moreover, multiple other long-term toxicology studies conducted according to international standards were not reviewed by IARC but clearly corroborate the lack of carcinogenic potential of glyphosate.

- *Epidemiology*: In reaching its conclusion of "limited evidence" in humans for the carcinogenicity of glyphosate, the IARC panel used case-control studies with design limitations and diverse methods for the estimation of glyphosate exposure as well as an inappropriate statistical model. IARC ignored the findings from the largest and single most important study into the health of pesticide applicators in the US, which found no link between glyphosate and non-Hodgkin's lymphoma or any another cancer.

- *Genotoxicity*: In reaching its conclusion of strong evidence that glyphosate and commercial formulations can be genotoxic and produce oxidative damage, the IARC panel selectively relied on non-standard studies with adverse effects, which used methods that have not been validated and/or were not conducted according to international guidelines. Furthermore, IARC disregarded a plethora of more relevant data, including the 2004 JMPR review, peer-reviewed literature reviews, and opinions of numerous other scientists who have carefully considered all the available data including those required by regulators and concluded glyphosate is not genotoxic.

- *Exposure*: The IARC monograph considered an incomplete literature review, citing old references where more recent ones exist, and selectively used references and data. IARC cites detections of glyphosate in different matrices (urine, serum, soil, air, water, and food) without placing the levels and potential exposures into the proper context. In reality, regulatory authorities and the JMPR establish Average Daily Intakes (ADIs) and Acceptable Operator Exposure Levels (AOELs) to account for potential human exposures and establish safe exposure levels. When regulatory agencies consider exposure in the proper context, they consistently conclude that there are no health concerns with exposure to glyphosate.

If OEHHA moves forward to list glyphosate based solely on the IARC classification, it will do so as a result of incomplete and misinterpreted data and in contradiction to the overwhelming weight of evidence from more than 800 studies on glyphosate safety and the consensus of regulatory agencies around the world. Moreover, OEHHA would be making a decision to list without the benefit of the sound, science-based assessment currently being conducted by competent regulators, including the U.S. EPA, and contradicting OEHHA's own prior review of the science regarding glyphosate.

6.0 It Is Improper to List Glyphosate Under the Labor Code Mechanism.

Monsanto has serious concerns about OEHHA's over-reliance on the Labor Code listing mechanism. Monsanto believes that OEHHA's implementation of the Labor Code listing mechanism constitutes an unlawful abdication of the authority delegated to the agency by the voters in enacting Proposition 65 and rests on an interpretation of the statute that improperly delegates law-making authority to an

unelected, undemocratic, foreign body. That body convenes ad hoc groups of scientists, chosen in a non-transparent process, to review and summarize scientific research and make extremely consequential decisions, without even taking public comment. OEHHA's statement in the proposed listing that it must blind itself to sound science is particularly troubling and remarkable in light of OEHHA's mission and personnel.

Not surprisingly, IARC explicitly disavows any policy- or law-making role, and does not intend its determinations to carry the force of law. In its Preamble, IARC states:

> The evaluations of IARC Working Groups are scientific, qualitative judgements on the evidence for or against carcinogenicity provided by the available data. These evaluations represent only one part of the body of information on which public health decisions may be based. Public health options vary from one situation to another and from country to country and relate to many factors, including different socioeconomic and national priorities. Therefore, ***no recommendation is given with regard to regulation or legislation***, which are the responsibility of individual governments or other international organizations.[24]

As such, it is all the more inappropriate for OEHHA to rely on the determinations of IARC—or, more accurately, the small group of individuals appointed by IARC to review any individual substance—to make decisions that have the effect of placing chemicals on the Proposition 65 list following only a "ministerial" process that does not involve any consideration whatsoever of the weight or quality of the scientific evidence. That impropriety is all the more clear in a situation, such as this, where OEHHA itself has determined, based on a searching analysis of the same scientific studies, that the chemical is not likely to cause cancer.

The abdication by OEHHA of any substantive role in listing a substance under the Labor Code mechanism rests on an interpretation of Proposition 65 that improperly delegates the People's authority to a foreign body without any safeguards for due process, public involvement, or control by the People's representatives. This violates the United States and California Constitutions. *See, e.g., Carter v. Carter Coal Co.*, 298 U.S. 238, 310 (1936) (striking down law that empowered industry associations to draw up regulatory codes that carried the force of law); *Natural Resources Defense Council v. EPA*, 464 F.3d 1, 9 (D.C. Cir. 2006) ("[A]ssigning law-making functions to international bodies . . . would raise serious constitutional questions in light of the nondelegation doctrine, numerous constitutional procedural requirements for making law, and the separation of powers."); *Carson Mobilehome Park Owners' Assn. v. City of Carson*, 35 Cal. 3d 184, 190 (1983) ("An unconstitutional delegation of authority occurs only when a legislative body (1) leaves the resolution of fundamental policy issues to others or (2) fails to provide adequate direction for the implementation of that policy."); *Bagley v. City of Manhattan Beach*, 18 Cal. 3d 22, 26-27 (1976) (employing non-delegation doctrine to invalidate voter initiative that would have allowed wages to be set by an arbitrator, and holding that "the city possessing no power under existing state statute to provide for arbitration of wage rates, such power cannot be created by local initiative"); *Int'l Assn. of Plumbing & Mech. Officials v. Cal. Bldg. Standards Comm'n*, 55 Cal. App. 4th 245, 253-54 (1997) ("IAPMO") (upholding delegation of authority to the California Building Standards Commission, a governmental entity, to adopt as law model codes prepared by private entities, but only because the Commission was vested with discretion subject to adequate safeguards and was not required to adopt the standards approved by a private entity).

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[24] IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Preamble (emphasis added), page 3, (2006), *available at* http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf (last visited October 2015).

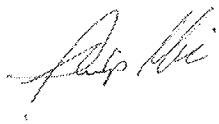
Here, OEHHA's implementation of the Labor Code mechanism delegates to an unelected, foreign body the authority to set regulations under California law. IARC is not subject to any procedural safeguards or oversight by a California governmental body. IARC can change its procedures at any time. It need not consider any comments. It could appoint patently unqualified scientists, with undisclosed conflicts of interest or from backgrounds biased against certain industries or fields. It could act by majority vote, or by dictate of those appointed by governments who provide the organization with the most funding. It could be controlled by the chemical industry, the consumer products industry, or by activists with any number of agendas. Because there are no safeguards on IARC's processes, OEHHA's unwillingness even to review IARC's scientific determinations and consider comments on them only furthers the injury to the democratic process and to the use of sound science in regulatory decision-making. OEHHA has a responsibility to interpret and implement Proposition 65 in a manner that carries out the voters' mandate consistent with the United States and California Constitutions, and OEHHA's unwillingness to consider scientific comments shirks that responsibility and overlooks the significant limitations and errors in IARC's process identified above that resulted in the misclassification of glyphosate.

7.0 OEHHA Should Withdraw Its Proposal to List Glyphosate.

A listing of glyphosate under Proposition 65 has the potential to deny farmers and public agencies the use of this highly effective herbicide, an herbicide whose use promotes the health, well-being, safety, and environment of Californians. As discussed herein, global regulatory authorities, including OEHHA itself, and independent experts all agree that glyphosate is not carcinogenic. Moreover, OEHHA's abdication of any substantive role in listing glyphosate under the Labor Code mechanism and refusal to consider comments concerning the weight of the scientific evidence would be unreasonable and a violation of the United States and California Constitutions, as well as established principles of good government and public policy. For the foregoing reasons, Monsanto urges OEHHA to withdraw its proposal to place glyphosate on the Proposition 65 list via the Labor Code mechanism.

Respectfully,

Monsanto Company



By: _____

Philip W. Miller
Vice President, Global Regulatory and Government Affairs

APPENDIX 1: Summary of Regulatory Decisions Globally

A. United States

In 2014, the U.S. Environmental Protection Agency (EPA) reviewed more than 55 epidemiological studies conducted on the possible cancer and non-cancer effects of glyphosate and concluded: "this body of research does not provide evidence to show that glyphosate causes cancer, and it does not warrant any change in EPA's cancer classification for glyphosate. This is the same conclusion reached in 2004 by the United Nations' Food and Agriculture Organization and affirmed this year by Germany's pesticide regulatory officials."[25]

In May 2013, the EPA found that all glyphosate exposures through food crops and water sources were no more than 13 percent of the average daily intake based on a highly conservative assumption that all crops are treated with glyphosate and carry maximum allowable levels.[26] The reality is that not all crops on all farms are treated, and those crops that are treated generally have well below the maximum allowable limit, leaving a wide margin of safety. This is confirmed by available monitoring data in humans, which indicate actual exposures are far below allowable intake levels.[27]

In 1993, the EPA, after reviewing studies conducted for re-registration of glyphosate, stated: "Several chronic toxicity/carcinogenicity studies...resulted in no effects based on the parameters examined, or resulted in findings that glyphosate was not carcinogenic in the study" and "Glyphosate does not cause mutations".[28] EPA rates all pesticides according to their potential to cause cancer.

In June 1991, EPA placed glyphosate in the agency's lowest cancer classification (Group E) "evidence of noncarcinogenicity for humans -- based on the lack of convincing evidence of carcinogenicity in adequate studies."[29]

B. Europe

On March 23, 2015, in response to the International Agency for Research on Cancer's (IARC) classification of glyphosate, the Germany Federal Institute for Risk Assessment (BfR) stated: "As the 'Rapporteur Member State' for the active substance glyphosate within the framework of EU re-

[25] Statement of Carissa Cyran, Chemical review manager for the Office of Pesticide Programs at EPA (2015). http://www.croplife.com/editorial/epa-plans-response-to-iarc-glyphosate-finding-but-not-just-yet/.
[26] Fed. Reg. Vol. 78, No. 84 (May 1, 2013). The EPA conservatively sets the acceptable daily intake (ADI) from all food and water sources at least 100 times lower than levels that have been demonstrated to cause no effect in animal testing. http://www.gpo.gov/fdsys/pkg/FR-2013-05-01/pdf/2013-10316.pdf
[27] Niemann, L., Sieke, C., Pfeil, R., and Solecki, R. (2015). A critical review of glyphosate findings in human urine samples and comparison with the exposure of operators and consumers. J. Verbr. Lebensm. 10:3–12.
[28] U.S. Environmental Protection Agency, Washington, DC. (1993), Registration Eligibility Decision (RED): Glyphosate, EPA-738-F-93-011. http://1.usa.gov/1J2vnlJ.
[29] *Ibid.*

evaluation, the Federal Institute for Risk Assessment (BfR) was responsible for the human health risk assessment and has assessed glyphosate as non-carcinogenic."[30]

In its 2014 Glyphosate Renewal Assessment Report, Germany, as Rapporteur Member State for the European Annex I Renewal of Glyphosate, stated:"...glyphosate was considered unlikely to pose a carcinogenic risk in humans ..." and "In epidemiological studies in humans, there was no evidence of carcinogencity and there were no effects on fertility, reproduction and development or of neurotoxicity that might be attributed to glyphosate."[31] The studies reviewed included all those considered by IARC, plus many more.

A regulatory review was conducted by the European Commission's (EC) Health and Consumer Protection Directorate-General in 2002, after which glyphosate was re-registered for use in Europe. The EC review, like others around the world, concluded that there was "No evidence of carcinogenicity" and glyphosate is "Not genotoxic".[32]

C. Canada

On April 13, 2015, Canadian Pest Management Regulatory Authority (PMRA) proposed the continued registration of products containing glyphosate for sale and use in Canada, stating the following:

> The World Health Organization's (WHO) International Agency for Research on Cancer (IARC) recently assigned a hazard classification for glyphosate as probably carcinogenic to humans. It is important to note that a hazard classification is not a health risk assessment. The level of human exposure, which determines the actual risk, was not taken into account by WHO (IARC). Pesticides are registered for use in Canada only if the level of exposure to Canadians does not cause any harmful effects, including cancer.
>
> In consideration of the strength and limitations of the large body of information on glyphosate, which included multiple short and long term (lifetime) animal toxicity studies, numerous in vivo and in vitro genotoxicity assays, as well as the large body of epidemiological information, the overall weight of evidence indicates that glyphosate is unlikely to pose a human cancer risk. This is consistent with all other pesticide regulatory authorities world-wide, including the most recent, ongoing comprehensive re-evaluation by Germany (Rapporteur Member State for the European Union) that was published for public consultation in 2014.[33]

[30] Germany Federal Institute for Risk Assessment. Does Glyphosate Cause Cancer? (2015). http://www.bfr.bund.de/cm/349/does-glyphosate-cause-cancer.pdf.

[31] Annex I Renewal Assessment Report, Glyphosate (March 12, 2014). http://dar.efsa.europa.eu/dar-web/provision.

[32] European Commission, Report for the Active Substance Glyphosate, Directive 6511/VI/99, Jan. 21, 2002. http://ec.europa.eu/food/fs/ph_ps/pro/eva/existing/list1_glyphosate_en.pdf.

[33] Health Canada, Pest Management Regulatory Agency (2015), Proposed Re-evaluation Decision PRVD2015-01, Glyphosate. http://www.hc-sc.gc.ca/cps-spc/pest/part/consultations/_prvd2015-01/prvd2015-01-eng.php.

In 1991, PRMA concluded: "Health and Welfare Canada has reviewed the glyphosate toxicology database, which is considered to be complete. The acute toxicity of glyphosate is very low. The submitted studies contain no evidence that glyphosate causes mutations, birth defects or cancer."[34]

D. Australia

On March 23, 2015, in response to IARC's classification of glyphosate, Australian Pesticides and Veterinary Medicines Authority (APVMA), stated: "It is not the role of the IARC to consider how a formulated chemical product is used, or how human exposure can be minimised by following safety directions on a product label. In this regard, the findings of IARC cannot be directly compared to assessments conducted by regulatory authorities for the purposes of approval or registration of a pesticide product, in which are included appropriate risk mitigation measures to allow safe use."[35]

In its 2013 review of the Earth Open Source report "Roundup and Birth Defects: Is the Public Being Kept in the Dark?", the APVMA stated: "The APVMA currently has no data before it suggesting that glyphosate products registered in Australia and used according to label instructions present any unacceptable risks to human health, the environment and trade ..." and "The weight and strength of evidence shows that glyphosate is not genotoxic, carcinogenic or neurotoxic."[36]

E. Japan

Glyphosate is currently being evaluated in Japan. Japan's 2000 evaluation of human health effects of glyphosate found no indication of carcinogenicity in the repeated dose studies and the results of all mutagenicity genotoxicity studies were negative (i.e., not genotoxic).[37]

F. World Health Organization (WHO)

The Joint WHO/Food Agricultural Organization (FAO) Meeting on Pesticide Residues ("JMPR") concluded in 2011 that the long-term and short-term intakes of glyphosate residues are unlikely to present a public health concern or risk to consumers.[38]

Similarly, in their 2004 report on pesticide residues in food, the JMPR stated: "Long-term studies of toxicity and carcinogenicity were conducted in mice and rats. In the study of carcinogenicity in mice, no

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[34] Doliner LH. (1991) Pre-Harvest use of glyphosate herbicide [Preharvest application of glyphosate (Roundup) herbicide]. Discussion Document D91-01. 98 pp. Pesticide Information Division, Plant Industry Directorate, Agriculture Canada.

[35] Australian Government, Australian Pesticides and Veterinary Medicines Authority. Information about glyphosate use: The IARC assessment explained. http://apvma.gov.au/node/13891.

[36] Australian Government, Australian Pesticides and Veterinary Medicines Authority. (2013). http://archive.apvma.gov.au/news_media/docs/glyphosate_scitox_review_july_2013.pdf.

[37] Report of Evaluation by Food Sanitation Council Agricultural Chemicals Residue Committee, Shokuhin Eisei Kenkyu Vol.50, No.8 (2000).

[38] WHO/FAO, Pesticides residues in food -- 2011. Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR).
http://www.fao.org/fileadmin/templates/agphome/documents/Pests_Pesticides/JMPR/Report11/Glyphosate.pdf

toxic effects were observed at up to the highest dose tested (1000 mg/kg bw per day), and there was no evidence of carcinogenicity" and "Negative results were obtained in studies performed in compliance with current test guidelines. The Meeting concluded that glyphosate is unlikely to be genotoxic."[39] Despite the JMPR's findings of "no toxic effects," "no evidence of carcinogenicity," and "unlikely to be genotoxic," IARC cited this WHO report to support its finding of sufficient evidence of carcinogenicity in animals.[40]

The WHO's International Programme on Chemical Safety in its 1994 review of glyphosate studies, states: "Animal studies show that glyphosate is not carcinogenic, mutagenic..."[41]

In 1986, the JMPR, in their report on pesticide residues in food stated: "The chronic toxicity of glyphosate is low; the only significant toxicity seen in a number of animal bioassays was mild hepatotoxicity at high doses in mice. There is no evidence of carcinogenicity." and "Glyphosate was without mutagenic activity both in vitro and in vivo."[42]

[39] WHO/FAO, Pesticides residues in food -- 2004. Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR). http://whqlibdoc.who.int/publications/2006/9241665203_eng.pdf?ua=1

[40] Carcinogenicity of tetrachlorvinphos, parathion, malathion, diazinon, and glyphosate, Lancet Oncol (March 20, 2015) (citing 2004 Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR)). http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2815%2970134-8/fulltext.

[41] WHO International Programme on Chemical Safety (1994), Environmental Health Criteria No. 159: Glyphosate. World Health Organization, Geneva. http://www.inchem.org/documents/ehc/ehc/ehc159.htm.

[42] WHO/FAO, Pesticides residues in food – 1986. Report of the Joint Meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR). http://www.inchem.org/documents/jmpr/jmpmono/v86pr08.htm.

Parks & Recreation Commission Meeting 05-17-16
Item 4.B.

Parks & Recreation Commission Agenda Report

To: Chairman Randall and Parks & Recreation Commissioners

Prepared by: Bob Stallings, Parks and Recreation Director

Date prepared: May 11, 2016 Meeting date: May 17, 2016

Subject: Commission Assignments for Fiscal Year 2016-2017

RECOMMENDED ACTION: Review Commission Assignments for Fiscal Year 2016-2017 and make a recommendation to Council to approve assignments.

DISCUSSION: Annually, the City Council provides goals in the form of work assignments for the Commissions and Committees that it has established. To assist in this process, the Parks & Recreation Commission has regularly submitted a list of recommended tasks to be included as part of the Commission's new work assignments.

The Commission is being asked to make a recommendation to Council to approve the list of assignments (Attachment) with amendments.

Commission Assignments may be modified or new assignments may be added throughout the year, as the Council deems appropriate.

ATTACHMENT: Proposed Commission Assignments for Fiscal Year 2016-17

Parks and Recreation Commission
City Council Assignments for 2016-17

1. Collaborate with the Cultural Arts Commission on landscape restoration component of the Legacy Park Art Enhancement Plan
2. Conduct a special meeting for the purpose of touring Bluffs Park Open Space and Las Flores Creek Park improvements
3. Review and Comment on the Draft Environmental Impact Report for the Malibu Bluffs Regional Park project
4. Review and Comment on the Integrated Pest Management Policy and Program
5. Facilitate public design meetings for the skatepark planned for the Malibu Bluffs Regional Park project
6. Develop a list of design features essential to the community center planned for the Malibu Bluffs Regional Park project
7. Consider implementing a reservation system for the picnic areas and multi-purpose field at Trancas Canyon Park
8. Review impacts of the water conservation program on parks and landscape maintenance
9. Recommend options to the City Council for restricting vehicle access to Bluffs Park parking lot when park is closed
10. Nominate and recommend to the City Council Jake Kuredjian Citizen Award recipient for 2016-17
11. Review the department's recreation offerings and make recommendations as deemed appropriate
12. Submit report to the City Council on the limitations and scheduling conflicts for athletic fields in Malibu
13. Conduct a joint special meeting with the Cultural Arts Commission
14. Conduct a joint special meeting with the City Council Parks and Recreation Subcommittee
15. Make bimonthly oral reports to the City Council on Commission activity
16. Submit a mid-year written report to the City Council on Commission activity